Government of Kerala
1983

Reg. No. KL/TV(N)/12



KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXVIII] Trivandrum, Wednesday 30th November 1983 / 9th Agrahayana 1905 [No. 1438

SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

No. 11709|LA4|83. *Dated, Trivandrum, 30th November, 1983.*

The Kerala Public Property (Prevention of Destruction and Loss) Bill, 1983 together with the Statement of Objects and Reasons, the Financial Memorandum and the Memorandum regarding Delegated Legislation is published, under Rule 69 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

Dr. R. PRASANNAN,
Secretary,
Legislative Assembly.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1983.

33|5134|MC.

THE KERALA PUBLIC PROPERTY (PREVENTION OF DESTRUCTION AND LOSS) BILL, 1983

A

BILL

to provide for punishments for certain acts in respect of public property and the public in the State of Kerala.

Preamble.—WHEREAS it is expedient to provide for punishments for certain acts in respect of public property and the public in the State of Kerala and for matters connected therewith;

BE it enacted in the Thirty-fourth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Public Property (Prevention of Destruction and Loss) Act, 1983.

(2) It shall be deemed to have come into force on the 5th day of September, 1983.

2. *Punishment for committing mischief in respect of public property or machinery.*—Whoever—

(i) commits mischief by doing any act in respect of any public property whether movable or immovable or machinery and thereby causes loss or damage to the amount of one hundred rupees or upwards; or

(ii) commits mischief by doing any act which causes or which he knows to be likely to cause a diminution of the supply of water to the public or to any person for any purpose or an inundation of, or obstruction to, any public drainage; or

(iii) commits mischief by doing any act which renders any public road, bridge or navigable channel, whether natural or artificial, impassable or less safe for travelling or conveying property; or

(iv) commits mischief by fire or any explosive substance intending to cause, or knowing it to be likely that he will thereby cause, damage to any public property whether movable or immovable or machinery to the amount of one hundred rupees or upwards,

shall be punishable with imprisonment for a term which shall not be less than six months, but which may extend to five years, and with fine:

Provided that the court may, for any adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than six months.

Explanation.—For the purposes of this section,—

(i) "mischief" shall have the same meaning as in section 425 of the Indian Penal Gode (Gentral Act 45 of 1860);

(ii) "public property whether movable or immovable or machinery" means any property or machinery owned or controlled by—

(a) the State Government or the Central Government ; or

(b) the Kerala State Electricity Board or the Kerala State Road Transport Corporation or any other corporation or public undertaking owned or controlled by the State Government; or

(c) a local authority or a corporation or undertaking owned or controlled by the Gentral Government; or

(d) any University in the State of Kerala; or

(e) any other institution specified in this behalf by the State Government by notification in the Gazette.

3. *Punishment for throwing stones, bricks, etc., upon persons travelling in motor vehicles.*—Whoever commits, or instigates, incities or otherwise abets, the act of throwing stones, bricks, soda-bottles or any other material whatsoever upon the persons travelling in any motor vehicle, shall be punishable with imprisonment for a term which shall not be less than six months, but which may extend to five years, and with fine:

Provided that the court may, for any adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than six months.

Explanation.—For the purposes of this section "motor vehicle" shall have the same meaning as in clause (18) of section 2 of the Motor Vehicles Act, 1939 (Central Act 4 of 1939).

4. *Special provision regarding bail.*—No person accused or convicted of an offence punishable under section 2 or section 3 shall, if in custody, be released on bail or on his own bond unless the prosecution has been given an opportunity to oppose the application for such release.

5. *Order to pay compensation.*—(1) When imposing a sentence of fine for an offence under this Act, the court may, when passing judgment, order the whole or any part of the fine recovered to be applied—

(a) in defraying the expenses properly incurred in the prosecution;

(b) in the payment to any person of compensation for any loss or injury caused by the offence;

(c) in replacing or, as the case may be, restoring to the previous state, the public property or machinery including any public road, bridge or navigable channel, whether natural or artificial.

(2) If the fine is imposed in a case which is subject to appeal, no such payment shall be made before the period allowed for presenting the appeal has elapsed, or, if an appeal be presented, before the decision of the appeal.

(3) An order under this section may also be made by an Appellate Court or by the High Court or Court of Session when exercising its powers of revision.

(4) At the time of awarding compensation in any subsequent civil suit relating to the same matter, the court shall take into account any sum paid or recovered as compensation under this section.

6. *Power to try offences.*—No court inferior to that of a Chief Judicial Magistrate shall try any offence punishable under this Act.

7. *Saving.*—The provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force, and nothing contained herein shall exempt any person from any proceeding by way of investigation or otherwise which might, apart from this Act, be instituted against him.

8. *Repeal and saving.*—(1) The Kerala Public Property (Prevention of Destruction and Loss) Ordinance, 1983 (30 of 1983), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act

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STATEMENT OF OBJECTS AND REASONS

During strikes and other agitations, it is noticed that miscreants commit acts of vandalism, such as burning or otherwise damaging public conveyances and other public property and throwing stones on the travelling public, etc. At present there is no deterrent law to prevent effectively such acts of vandalism. With

a view to effectively prevent such unlawful acts Government considered it necessary to enact a law providing for deterrent punishment for such acts.

2. As the Legislative Assembly was not in session and as the matter was of an urgent nature the Kerala Public Property (Prevention of Destruction and Loss) Ordinance, 1983 (30 of 1983) was promulgated by the Governor on the 5th day of September, 1983.

3. While communicating the instructions from the President for the promulgation of the Ordinance the Government of India had suggested that it will be desirable to include property or machinery owned or controlled by the Central Government or a local authority or a Corporation or undertaking owned or controlled by the Central Government in the definition of 'public property' whether movable or immovable or machinery. It is proposed to accept the suggestion of the Government of India.

4. The Bill seeks to replace the Ordinance by an Act of the State Legislature with the above modification.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any expenditure from the Consolidated Fund of the State.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Item (ii) (e) in the Explanation under clause 2 of the Bill, seeks to empower the Government to specify, by notification in the Gazette, any property or machinery owned or controlled by any institution other than those specified in item (ii) (a) to item (ii) (d) as "public property whether movable or immovable or machinery".

The matter in respect of which notification may be issued is a matter of administrative nature. The delegation of legislative power is, therefore, of a normal character.

VAYALAR RAVI.

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Government of Kerala
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Reg. No. [illegible]



KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXVIII] Trivandrum, Wednesday, 30th November 1983 / 9th Agrahayana 1905 [No. 1439

GOVERNMENT OF KERALA

Industries (D) Department

NOTIFICATION

No. 47466/D3/83/ID. *Dated, Trivandrum, 30th November,* 1983.

S. R. O. No. 1684/83.—In exercise of the powers conferred by sub-section (1) of Section 6 of the Super Clays and Minerals Mining Company (Private) Limited (Acquisition of undertakings) Ordinance, 1983 (Ordinance No. 38 of 1983), the Government of Kerala hereby direct that all the undertakings of the Super Clays and Minerals Mining Company and the right, title, interest and liabilities of the said Company in relation to its undertakings which have vested in the Government under Section 3 shall instead of continuing to vest in the Government, vest in the Kerala State Industrial Enterprises Limited, Kerala, which is a Government Company with effect on and from the 5th day of November 1983.

By order of the Governor,

P. M. Abraham,

Commissioner & Secretary (Industries).

33/5142/MC.

Explanatory Note

(This is not a part of Notification, but is intended to indicate the general purport of the Notification).

Sub-Section (1) of Clause 6 of the Super Clays and Mineral Mining Company (Private) Limited (Acquisition of Undertakings) Ordinance 1983 (Ordinance No. 38 of 1983) empowers Government to direct vestings of the undertakings of the Company, in a Government company. Government have decided to vest the undertakings of Super Clays & Minerals Mining Company Limited in Kerala State Industrial Enterprises Limited, Trivandrum, a Government Company. The Notification is intended to achieve the above purpose.

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Vol. XXVIII] Trivandrum, Wednesday, 30th November 1983 / 9th Agrahayana 1905 [No. 1440

GOVERNMENT OF KERALA

Agriculture (AGRI) Department

ERRATUM

No. 84527/Ag1/83/AD. *Dated, Trivandrum, 23rd November,* 1983

In Agriculture (Agri.) Department Notification No. G.O.(P) 131/83/AD dated 20-5-1983 published as S. R. O. No. 661/83 in the Kerala Gazette Extraordinary No. 567 dated 30-5-1983, for "Principal Agricultural Officers" occurring in the 17th and 21st line of the Explanatory Note of the said Notification read "Assistant Principal Agricultural Officers."

By order of the Governor.

T. SANKARAN,
Additional Secretary.

33/5143/MC.

Explanatory Note

(This does not form part of the notification, but is intended to indicate the general purport).

As per Notification G. O. (P) No. 131/83/AD dated 20-5-1983 published as S. R. O. No. 661/83 in the Kerala Gazette Extraordinary No. 567 dated the 30th May, 1983, the Assistant Principal Agricultural Officers, Trivandrum, Quilon, Alleppey, Kottayam, Idukki, Ernakulam, Trichur, Palghat, Malappuram, Calicut, Wynad and Cannanore were appointed as Registering Authorities within their respective jurisdiction for the issue of Manure Dealers licences. But in the 17th and 21st line of the explanatory note to the said notification, the designation of the Registering Authorities was noted as Principal Agricultural Officers instead of Assistant Principal Agricultural Officers by mistake. The Erratum is intended to correct this error.

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EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXVIII] Trivandrum, Wednesday, 30th November 1983 / 9th Agrahayana 1905 [No. 1441

GOVERNMENT OF KERALA

Food (C) Department

NOTIFICATION

No. 12477/C2/83/Food. *Dated, Trivandrum, 7th November,* 1983.

The following order No. S. O. 740 (E) dated 17-10-1983 of the Government of India, Ministry of Food and Civil Supplies (Department of Civil Supplies) New Delhi Published in Part II, Section 3 sub-section (ii) of the Gazette of India Extraordinary dated 17-10-1983, is hereby republished for general information.

By order of the Governor,

K. Achuthan Nair,

Joint Secretary.

33/5144/MC.

GOVERNMENT OF INDIA

Ministry of Food and Civil Supplies

(DEPARTMENT OF CIVIL SUPPLIES)

New Delhi, 17th October, 1983.

ORDER

S. O. 740 (E).—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following amendments in the Pulses, Edible Oilseeds and Edible Oils (Storage Control) Order, 1977; namely:-

1. (1) This Order may be called the Pulses, Edible Oilseeds and Edible Oils (Storage Control) (Amendment) Order, 1983.

(2) It shall come into force at once.

2. In the Pulses, Edible Oilseeds and Edible Oils (Storage Control) Order, 1977—

(i) In paragraph 2, for Clause (h), the following shall be substituted, namely:—
'(h) "population" means population, as determined in the 1981 Census;'

(ii) in Paragraph 4, in sub-paragraph (1), in the Table to the third proviso, against "Producer of pulses" and "Producer of edible oils," in columns 2 (a) and 3 (a), for the figures and words "31st day of October, 1977," the words and figures "31st day of October, 1982" shall be substituted.

D. K. Singh

Joint Secretary to the Government of India,
F. No. 24 (9)/81–ECR.

*Amended vide
S. O. No. 64 (E) dated 4-2-1978
400 (E) dated 26-6-1978
536 (E) dated 20-9-1979
10 (E) dated 7-1-1982.

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GOVERNMENT OF KERALA

Local Administration and Social Welfare (D) Department

NOTIFICATION

G.O. (Rt.) 4273/83/LA&SWD. *Dated, Trivandrum, 26th November*, 1983.

S. R. O. No. 1683/83.—Under section 36 of the Kerala Municipaliteis Act, 1960 (14 of 1961), read with rule 8 of the Kerala Municipalities (Election of Chairman and Vice-Chairman) Rules, 1961, it is hereby notified that Shri K. A. Ayyappan Pillai, Councillor Kottayam Municipal Council, Kottayam, has been elected as the Chairman of the said Municipal, Council, at its special meeting, held on the 20th October, 1983.

By order of the Governor,

C. Gopalakrishnan,
Deputy Secretary.

33/5127/MC.

Explanatory Note

(This does not form part of the notification but is intended to indicate its general purport).

The Municipal Council, Kottayam has elected its new Chairman at its special meeting held on 20-10-1983. Under section 36 of the Kerala Municipalities Act, 1960 read with rule 8 of the Kerala Municipalities (Election of Chairman and Vice-Chairman) Rules, 1961, the election of Chairman has to be notified in the Gazette. The notification is intended to achieve the above object.

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1983

Reg. No. KL/TV(N)/1



KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXVIII] Trivandrum, Wednesday, 30th November 1983 / 9th Agrahayana 1905 [No. 1437

SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

No. 11693/LA4A/83. *Dated, Trivandrum, 30th November, 1983.*

The Kerala Town and Country Planning Bill, 1983 together with the Statement of Objects and Reasons, the Financial Memorandum and the Memorandum regarding Delegated Legislation is published, under Rule 69 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

Dr. R. PRASANNAN,
Secretary,
Legislative Assembly.

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33/5131/MC.

Seventh Kerala Legislative Assembly

Bill No. 81

THE KERALA TOWN AND COUNTRY PLANNING BILL, 1983

A

BILL

to consolidate and amend the laws relating to town and country planning in the State of Kerala to provide for planning the development and use and for causing the development according to plan of rural and urban land and for purposes connected therewith.

Preamble.—WHEREAS it is expedient to consolidate and amend the laws relating to town and country planning in the State of Kerala and to provide for planning the development and use and for causing the development according to plan of rural and urban land and for purposes connected therewith.

BE it enacted in the Thirty-fourth year of the Republic of India as follows:—

PRELIMINARY

1. *Short title, extent and commencement.*—(1) This Act may be called the Kerala Town and Country Planning Act, 1983.

(2) It extends to the whole of the State of Kerala.

(3) It shall come into force on such date as the Government may, by notification, appoint :

Provided that different dates may be appointed for different areas and for different provisions of this Act, and any reference in any such provision to the commencement of this Act shall be construed as a refer nce to the coming into force of that provision.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(1) "agriculture" includes horticulture, fruit-growing, seed-growing, dairy-farming, livestock-breeding, the use of land as grazing land, or any other use of land where such other use is ancillary to any agricultural purposes; but does not include the use of any land attached to a building for the purpose of a garden to be used along with such building; and "agricultural" shall be construed accordingly;

(2) "amenities" include streets, open spaces, parks, recreation grounds, play grounds, water, gas and electric supply, street lighting, sewerage, drainage, public works, posts and telegraphic services, and other utilities, services and conveniences;

(3) "appropriate planning authority" or "planning authority" means a regional planning authority, a local planning authority, or a special development authority constituted under section 11;

(4) "area of bad layout or obsolete development" means an area consisting of land which is badly laid out or of obsolete development together with other lands contiguous or adjacent thereto, and which is defined by a development plan as an area of bad layout or obsolete development;

(5) "arterial road" means any highway which connects towns with one another and facilitates movement of goods and people from one town to another;

(6) "Board" means the Kerala State Town and Country Planning Board constituted under section 5;

(7) "building" includes—

(a) a house, outhouse, stable, latrine, godown, shed, hut, wall (other than a boundary wall) and any other structure whether of masonry, bricks, mud, wood, metal or any other material whatsoever;

(b) a structure on wheels or simply resting on the ground without foundations;

(c) a ship, vessel, boat, tent, van and any other structure used for human habitation or used for keeping or storing any article or goods; and

(d) the garden, grounds, carriages and stables, if any, appurtenant to any building;

(8) "building line" means a line which is in rear of the street-alignment and to which the main wall of a building abutting on a street may lawfully extend and beyond which no portion of the building may extend;

(9) "building operations" include—

(a) erection or re-erection of a building or any part of it;

(b) roofing or re-roofing of a building or any part of a building or an open space;

(c) any material alteration or enlargement of any building which involves alteration or enlargement, as the case may be, of

more than one-tenth of the extent of the cubical contents of such building ;

(d) any material change in the use of a building including the conversion of the use of any part used for human habitation into a greater number of such parts ;

(e) any such alteration of a building as is likely to affect its drainage or sanitary arrangements or affect in material respects its structural stability ; and

(f) construction of a door opening on any street or land not belonging to the owner ;

(10) "Chief Town Planner" means the officer appointed by the Government with that designation to exercise the powers and to perform the duties of the Chief Town Planner under this Act, or the rules or orders made thereunder ;

(11) "commerce" means the carrying on of any trade, business or profession, sale or exchange of goods of any type whatsoever and includes the running of cinema houses, hotels, restaurants, boarding houses not attached to educational institutions and also the running of, with a view to making profit, hospitals, nursing homes, dispensaries, infirmaries and educational institutions and "commerical" shall be construed accordingly ;

(12) "commercial use" includes the use of any land or building or part thereof for purposes of commerce or for storage of goods, or as an office whether attached to an industry or otherwise ;

(13) "company" means—

(a) any company as defined in the Companies Act, 1956 (Central Act 1 of 1956), including any foreign company within the meaning of section 591 of that Act ;

(b) any body corporate ; or

(c) any firm or association (whether incorporated or not), carrying on business in the State, whether or not its principal place of business is situated in the State ;

(14) "development" means the carrying out of all or any of the works contemplated in a regional plan, area development plan, or a detailed development plan prepared under this Act and shall include the carrying out of buildings, engineering, mining, or other operations in, or over or under land, or the making of any material change in the use any building or land and includes sub-division of any land :

Provided that for the purposes of this Act, the following operations or uses of land shall not be deemed to involve development of land, that is to say,

(a) the carrying out of any temporary works for the maintenance, improvement or other alteration of any building, being works which do not materially affect the external appearance of the building ;

(b) the carrying out by a local authority of any temporary works required for the maintenance or improvement of a road, or works carried out on land within the boundaries of the road ;

(c) the carrying out by a local authority or statutory undertaker of any temporary works for the purpose of inspecting, repairing or renewing any sewers, mains, pipes, cables or other apparatus, including the breaking open of any street or other land for that purpose ;

(d) the use of any building or other land within the curtilage of a dwelling house for any purpose incidental to the enjoyment of the dwelling house as such ; and

(e) the use of any land for the purpose of agriculture, gardening, or forestry (including afforestation) and the use for any purpose such of any building occupied together with the land so used ;

(15) "Development Authority" means a regional planning authority or a local planning authority, or a special development authority constituted under this Act ;

(16) "development plan" means a plan for the development or re-development or improvement of the area within the jurisdiction of a planning authority and includes a regional development plan, area development plan and a detailed development plan prepared under this Act ;

(17) "engineering operations" includes the formation or laying out of means of access to a road or the laying out of means of water-supply, drainage, sewerage or of electricity, cables or lines or of telephone lines ;

(18) "Executive Authority" means—

(i) in the case of a municipal corporation or municipality, the Commissioner ;

(ii) in the case of township, the Executive Officer of the Township ; and

(iii) in the case of panchayats, the Executive Authority as defined in the Kerala Panchayats Act, 1960 (32 of 1960) ;

(19) "highway" has the same meaning as in section 4 of the National Highways Act, 1956 (Central Act 48 of 1956);

(20) "industrial use" includes the use of any land or building or part thereof for purposes of industry;

(21) "industry" includes the carrying on of any manufacturing process as defined in the Factories Act, 1948 (Central Act 63 of 1948), and "industrial" shall be construed accordingly;

(22) "land" includes benefits to arise out of land and things attached to the earth or permanently fastened to anything attached to the earth;

(23) "local authority" means a municipal corporation or municipal council or township committee or panchayat or other authority legally entitled to or entrusted by the Government with the control or management of a municipal or a local fund or which is permitted by the Government to exercise the powers of the local authority and includes a town improvement trust;

(24) "local authority concerned" means a local authority within whose local limits any land included in the area of a development plan prepared or to be prepared under this Act is situated;

(25) "major street" means a main street connecting different localities;

(26) "means of access" includes any means of passage whether private or public, for vehicles or for pedestrians and includes any street;

(27) "national highway" means any highway declared to be a national highway under section 2 of the National Highways Act, 1956 (Central Act 48 of 1956);

(28) "navigable canal" means any waterway or canal or any other source of a waterway or canal for the public carriage of persons, animals or goods by means of yachts or boats;

(29) "notification" means a notification published in the Gazette;

(30) "occupier includes—

(a) a tenant;

(b) an owner in occupation or otherwise using any land;

(c) a rent-free-tenant;

(d) a licensee in occupation of any land; and

(e) any person who is liable to pay to the owner, damages for the use and occupation of any land.

(31) "owner" includes a mortgagee in possession, a person who for the time being is receiving or is entitled to receive, or has received the rent or premium for any land whether on his own account or on account of, or on behalf of, or for the benefit of any other person or as an agent, trustee, guardian, or receiver for any other person or for any religious or charitable institution or who would so receive the rent or premium or be entitled to receive the rent or premium if land were let to a tenant; and includes the Head of a Government Department, General Manager of a railway, the Secretary or other principal officer of a local authority, statutory authority or company, in respect of properties under their respective control;

(32) "planning area" means any area declared to be a regional planning area, a local planning area or an area included in a detailed development plan.

(33) "plot" means a continuous portion of land held in one ownership other than land used, allotted or reserved for any public purpose or any purpose connected with local administration carried on by any local authority;

(34) "prescribed" means prescribed by rules made under this Act;

(35) "private street" means any street, road, square, Court, alley, passage or riding path, which is not a "public street" but does not include a pathway made by the owner of premises on his own land to secure access to or the convenient use of such premises;

(36) "public open space" means any land whether enclosed or not belonging to the Central or any State Government or any local authority or anybody corporate owned or controlled by the Central or any State Government, on which there is no building or of which not more than one-twentieth part is covered with buildings, and the whole or the reminder of which is used for purposes of recreation, air, or light;

(37) "public place" means any place or building which is open to the use and enjoyment of the public or any class or section of the public, whether it is actually used or enjoyed by the public and whether the entry is regulated by any charge or not;

(38) "public purpose" means any purpose which is useful to the public or any class or section of the public;

(39) "public street" means any street, road, square Court, alley passage or riding-path over which the public have a right of way, whether a thoroughfare are not, and includes—

(a) the roadway over any public bridge or causeway;

(b) the footway attached to any such street, public bridge or causeway; and

(c) the drains attached to any such street, public bridge or causeway and the land, whether covered or not by any pay ment, verandah or other structure, which lies on either side of the roadway up to the boundaries of the adjacent property whether that property is private property or property belonging to the Central or any State Government ;

(40) "railway" has the same meaning as in clause (4) of Section 3 of the Indian Railways Act, 1890 (Central Act 9 of 1890);

(41) "reconstitution of plots" means the alteration of plots by the making of a development plan otherwise than by the severance of land used, allotted, or reserved for any public purpose ;

(42) "reconstruction" of a building includes—

(a) the re-erection wholly or partially of a building after more than one half of its cubical contents has been taken down or burnt down or has fallen down whether at one time or not;

(b) the re-erection, wholly or partially, of any building of which an outer wall has been taken down or burnt down or has fallen down to or within three metres of the ground adjoining the lowest storey of the building; and

(c) the conversion into a dwelling house, or a place of public worship of any building not originally constructed for human habitation or for public worship, as the case may be, or the conversion into more than as one dwelling house of a building originally constructed as one dwelling house only or the conversion of a dwelling house into a factory;

(d) the re-conversion into a dwelling house of a place of public worship or a factory of any building :—

(i) the use whereof as a dwelling house or a place of public worship or a factory has been discontinued ; or

(ii) which has been appropriated for any purpose other than for use as a dwelling house or a place of public worship or a factory;

(43) "relocation of population" means in relation to an area of bad layout or obsolete development or a slum area, the making available, in that area or elsewhere, of accommodation for residential purposes or for carrying on business or other activities together with amenities, to persons living or or carrying on business or other activities, in the said area who have to be so accommodated so that the said area may be properly planned;

(44) "residence" includes the use for human habitation of any land or building or part thereof including gardens, grounds, garages, and outhoses, if any, appurtaining to such building and residential shall be construed accordingly.

(45) "ring road" means any highway connecting different parts within the planning area in a ring or circular fashion;

(46) "slum area" means any built up area—

(a) where the buildings, by reason of dilapidation, over crowding, faulty arrangement or design, lack of ventilation, light or sanitation facilities or any combination of these factors, are detrimental to safety, health or morals, and

(b) defined by a development plan as a slum area;

(47) "State" means the State of Kerala;

(48) "statutory undertaker" means—

(a) a person—

(i) licensed under part II of the Indian Electricity Act, 1910 (Central Act 9 of 1910) to supply electricity, or

(ii) who has obtained sanction under section 28 of that Act to engage in the business or supplying electricity;

(b) a railway administration as defined in the Indian Railways Act, 1890 (Central Act 9 of 1890);

(c) a telegraph authority as defined in the Indian Telegraph Act, 1885 (Central Act 13 of 1885);

(d) the Kerala State Electricity Board;

(e) the Kerala State Housing Board, or similar authorities constituted under a statute;

(49) "street-alignment" means a line dividing the lands comprised in and forming part of a street from the adjoining land;

(50) "Tribunal" means the Tribunal constituted under section 64.

CHAPTER II

CONSTITUTION AND INCORPORATION OF THE KERALA TOWN AND COUNTRY PLANNING AUTHORITIES

3. *Appointment of Chief Town Planner.*—The Government shall appoint a Chief Town Planner for the State and such number of officers subordinate to him, as they think fit, for purposes of this Act.

4. *Town and country planning authorities.*— There shall be the following classes of town and country planning authorities for the purposes of this Act (a) the regional planning authority; (b) the local planning authority and (c) the special development authority.

5. *Constitution of Board.*—(1) The Government may, by notification, constitute for the purposes of this Act, a Board to be called the Kerala State Town and Country Planning Board.

(2) The Board shall consist of a Chairman, Vice-Chairman, Member Secretary and other members nominated by the Government.

(3) The number of members of the Board including the Chairman, Vice-Chairman and Member Secretary shall not be less than eleven and shall not be more than seventeen.

(4) The term of office and the manner of filling casual vacancies among the members of the Board shall be such as may be prescribed.

(5) A representative of the Ministry of Defence of the Government of India who shall be a local Military Authority shall be associated with the deliberations of the Board when regional or local development plans which affect areas in which defence installations are located or which are of interest to the Ministry of Defence are drawn up.

6. *Functions and powers of Board.*—Subject to the provisions of this Act and the rules made thereunder and directions of the Government, the functions of the Board shall be to guide, direct, assist, and supervise the planning authorities, to advise the Government in matters relating to planning and the development and use of rural and urban land in the State and to perform such other functions as the Government may from time to time assign to it.

7. *Constitution of committees of Board.*—(1) For the purpose of assisting the Board in exercising such of its powers, discharging such of its duties or performing such of its functions as may be specified by it, the Board may constitute one or more committees,

(2) Any committee constituted under subsection (1) shall consist of such members as may be specified by the board and shall also include the Member Secretary,

(3) The Board shall have the power to co-opt as a member of any committee constituted under subsection (1) any person who is not a member of the Board.

8. *Incorporation of planning authorities.*—Every planning authority shall be a body corporate and shall have perpetual succession and a common seal and subject to such restriction or qualification imposed by or under this Act or any other law, may sue or be sued in its corporate name, or acquire, hold or dispose of property, movable or immovable or enter into contracts and do all things necessary proper or expedient for the purpose of its constitution.

9. *Establishment of planning authorities.*—The establishment of the Chief Town Planner functioning in a planning area may also function as the establishment of the concerned planning authority, if so ordered by the Government and the cost of such establishment either in full or part as may be fixed by the Government shall be paid by the planning authority.

CHAPTER III

PLANNING AREAS, PLANNING AUTHORITIES AND PLANS

10. *Declaration of regional planning areas and local planning areas, their amalgamation and subdivision and inclusion in other regional or local areas.*—(1) The Government may from time to time by notification declare their intention to specify any area in the State to be a regional planning area or a local planning area.

(2) Any inhabitant or any local authority or institution in the areas in respect of which any notification has been published under subsection (1), may within one month from the date of the publication of the notification submit any objection or suggestion in writing to anything contained in that notification to the Government and the Government shall consider all such objections and suggestions.

(3) After the expiry of one month from the date of the publication of the notification and after considering the objections or suggestions, if any, the Government may, by notification,

(a) declare the area with or without any modification to be a regional planning area or a local planning area as the case may be ; and

(b) specify the name of the regional planning area or the local planning area, as the case may be.

(4) The Government may, after consulting the Chief Town Planner and the planning authorities concerned, amalgamate two or more regional planning areas or local planning areas into one such area or sub-divide a regional planning area or a local planning area into different such areas and constitute them as separate regional planning areas or local planning areas, as the case may be, or include any such sub-divided areas in any other regional planning area or local planning area, as the case may be and notify the same in the Gazette.

(5) The Government may, by notification, direct that any of the rules and orders made, regulations and directions issued and powers conferred under this Act and in force in any regional planning area or local planning area with which or in which any other area is amalgamated or included, shall apply to the area so amalgamated or included under the section to such extent and subject to such modifications, additions and restrictions, as may be specified in such notification.

(6) (a) When two or more regional planning areas or local planning areas are amalgamated or a regional planning area or a local planning area is sub-divided into different areas and constituted as separate regional planning areas or local planning areas, as the case may be or any such sub-divided area is included in any other regional planning area or local planning area, the Government shall, after consulting the Chief Town Planner and the planning authorities concerned, frame a scheme—

(i) declaring that the assets and the liabilities of the concerned planning authorities shall vest in the amalgamated planning authorities :

(ii) determining what portion of the assets and liabilities of the concerned planning authorities whose areas are sub-divided shall vest in the planning authorities constituted for each sub-division or in the planning authorities in whose area the sub-divided areas are included.

(b) The scheme framed under clause (a) shall be notified and upon such notification the assets and liabilities to which it relates shall vest in accordance with such scheme.

11. *Constitution of town and country planning authorities.*—(1) As soon as may be after the declaration of a regional planning area or a local planning area the Government may constitute for the purpose of the performance of the functions assigned to them, under this Act in that area an authority called the regional planning authority or the local planning authority or the special development authority, as the case may be, for that area, having jurisdiction over it :

Provided that where the local planning area consists of the area under the jurisdiction of a single local authority, the Government may declare such local authority as the local planning authority for that area, if the Government are of the opinion that the local authority has the necessary capacity and resources.

(2) A regional planning authority shall be constituted when it is found to be expedient to prepare a development plan for a comparatively large area declared as a regional planning area consisting of one or more revenue districts of the State or portion thereof, for identification of growth centres and for the orderly development of human settlements on hierarchical pattern and for prescribing regional land uses, communicatio- services and such other matters as may be prescribed.

(3) A local planning authority shall be constituted for an area declared as a local planning area comprising of one single existing or proposed urban area with or without its vicinity or a group of urban areas and their vicinity areas which are of close interaction and which have got a tendency to develop as a single unit.

(4) A Special Development Authority shall be constituted for an area taking into account its comparatively fast rate of development or its potential for development or other exceptional circumstances which render it expedient to set up such an authority with special functions and powers for extraordinary development, raising resources for development.

(5) The Government may appoint a regional planning authority constituted for any region as a local planning authority also for any part of the region for which it was constituted.

(6) Each of the authorities constituted under sub-section (1) shall consist of a Chairman, a member-secretary and other members nominated by the Government.

(7) The strength of each authority referred to in subsection (6) shall not be less than seven and shall not be more than fifteen.

(8) The term of office and the manner of filling casual vacancies among the members of each authority referred to in subsection (6) shall be such as may be prescribed.

12. *Functions and powers of authorities.*—(1) Subject to the provisions of this Act and the rules made thereunder, the functions of—

(a) every regional planning authority shall be—

(i) to carry out a survey of the region and prepare reports on the surveys so carried out;

(ii) to prepare a present land use map and such other maps as may be necessary for the purpose of preparing a regional plan;

(iii) to prepare a regional plan;

(iv) to carry out or cause to be carried out such works as are contemplated in the regional plan and to enforce the provisions of the regional plan;

(b) every local planning authority shall be—

(i) to carry out a survey of the local planning area and prepare reports on the survey to be carried out;

(ii) to prepare a present land use map and such other maps as may be necessary for the purpose of preparing an area development plan or a detailed development plan;

(iii) to prepare an area development plan and detailed development plan;

(iv) to carry out or cause to be carried out such works as are contemplated in the area development plan and detailed development plans and to enforce the provisions of the area development plan and detailed development plan;

(c) every special development authority shall be—

(i) to carry out a survey of its area of operation and prepare reports on the surveys carried out;

(ii) to prepare a present land use map and such other maps as may be necessary for the purpose of preparing an area development plan or detailed development plans or both;

(iii) to prepare the area development plan and the detailed development plans for the area ;

(iv) to secure the layout and development of the area in accordance with the development plans ;

(v) to carry out buildings and other operations ;

(vi) to provide water, electricity, gas, sewerage and other services, amenities and facilities..

(2) The appropriate planning authority shall also perform any other function which is supplemental, incidental or consequential to any of the functions specified in subsection (1) or which may be prescribed.

13. *Cessation of powers of local authorities.*—On the constitution of a planning authority for any area, the local authority or authorities functioning within the area immediately before such constitution shall cease to exercise the powers and discharge the duties and perform the functions which the said planning authority is competent to perform under this Act, if the Government order accordingly or cease to exercise such of the powers, discharge such of the duties and perform such of the function as the Government may by order specify.

14. *Temporary association of persons with the appropriate planning authority for particular purposes.*—(1) The appropriate planning authority may associate with itself, in such manner and for such purposes as may be prescribed, any person whose assistance or advice it may consider necessary in performing any of its functions under this Act.

(2) Any person associated with the appropriate planning authority under subsection (1) for any purpose shall have the right to take part in the discussions of the said authority relevant to that purpose but shall not have the right to vote and shall not be a member for any other purpose.

15. *Regional plans.*—(1) As soon as may be, after the declaration of a regional planning area under section 10 and after constitution of the appropriate planning authority under section 11, the regional planning authority shall within such time as may be prescribed and after consulting the Chief Town Planner, prepare and submit to the Government through the Chief Town Planner, a plan hereinafter in this Act called the "regional plan" for the regional planning area or any part of it.

(2) The regional plan may propose or provide for all or any of the following matters, namely:—

(a) the manner in which the land in the region shall be used and in particular, the general locations of land and the extent to which the land may be used for residential, industrial, commercial, agricultural, and recreational purposes or as forest or mineral exploitation;

(b) the identification of urban and rural growth centres and new town sites;

(c) transport and communication, such as roads, highways, railways, waterways, canals, airports and postal and telecommunication services including their developments;

(d) Water-supply, drainage, sewerage, sewage disposal and other public utilities, amentities and services including electricity and gas;

(e) demarcation, conservation and development of areas of natural scenic beauty, forest, wild life, natural resources and landscaping;

(f) demarcation of objects and buildings of archaeological or historical interest or of natural beauty, or actually used for religious purposes or regarded by the public with veneration;

(g) areas required for military and defence purposes;

(h) prevention of erosion, provision for afforestation, or re-forestation, improvement and redevelopment of water front areas, rivers and lakes;

(i) irrigation, water supply and hydro-electric works, flood control and prevention of river pollution; and

(j) such other matters as may be prescribed.

16. *Preparation of present land and building use map.*—Every local planning authority shall, within such time as may be prescribed, prepare a present land and building use map hereinafter called "the map" indicating the present use of lands and buildings in the planning area:

Provided that the planning authority may prepare the present land use map for different parts of the planning area according to priority and the land use maps so prepared shall form part of the map of the planning area:

Provided further that if any local authority has been delared as the local planning authority for any area under sub-section (1) of section 11 and such local authority has prepared a map of the area before the date

of the commencement of this Act, in that area then, the map already prepared by such local authority shall be deemed to be a map prepared under this section.

Explanation.—For the purpose of this section, the present land and building use shall be the predominant use to which the land or the building, as the case may be, is put to on the date of preparation of the map by the local planning authority.

17. *Area Development Plan.*— (1) As soon as may be, after the declaration of a local planning area under section 10 and after the constitution of the appropriate planning authority under section 11, the local planning authority shall within such time as may be prescribed or notified by the Government and after consulting the regional planning authority concerned and the Chief Town Planner pepare and submit to the Government through the Chief Town Planner a plan hereinafter called the Area Development Plan, for the local planning area and such other area or areas contiguous or adjacent to the local planning area as the Government may direct to be included in the Area Development Plan.

(2) The area development plan may propose or provide for all or any of the following matters namely:—

(a) the manner in which the land in the planning area shall be used;

(b) the allotment or reservation of land for residential, commercial, industrial and agricultural purposes;

(c) the allotment or reservation of land for public buildings institutions education, cultural and health facilities, parts playgrounds open spaces, roads, highways railways, airports, canals and all other public amenities;

(d) the making of provision for the national highways, arterial roads, ring roads, major streets, lines of communication incuding railways, airports and canals;

(e) the traffic and transportation pattern and traffic circulation pattern;

(f) the major road and street improvements;

(g) the areas reserved for future development, expansion and for new housing;

(h) the provision for the improvement of areas of bad layout or obsolete development and slum areas and for relocation of population;

(i) the amenities, services and utilities ;

(j) the provision for detailed development of specific areas for housing, shopping, industries and civic amenities and educational and cultural facilities ;

(k) the control of architectural features, elevation and frontage of buildings and structures ;

(l) the provision for regulating the zone, the location, height, number of storeys and size of buildings and other structures, the size of the yards and other open spaces, building lines and the use of buildings, structures and land ;

(m) population, density and building density ;

(n) the restrictions and conditions subject to which land can be sub-divided for building purposes or for sale and the restrictions for the formation of the streets whether private or public ;

(o) the stages by which the area development plan shall be carried out ;

(p) agencies responsible for carrying out specific provisions of the development plan ; and

(q) such other matters as may be prescribed.

18. *Declaration of intention to make or adopt detailed development plan.*—(1) A Local Planning Authority or a Special Development Authority, as the case may be, may, by resolution, decide—

(a) to prepare a development plan to be called the "detailed development plan" in respect of any land within its planning area ; or

(b) to adopt with or without modifications a detailed development plan proposed by all or any of the owners of any such land.

(2) The resolution under subsection (1) shall, be published by the local planning authority or the special development authority, as the case may be, in the prescribed manner and by notification in the Gazette and such notification shall contain such particulars as may be prescribed and specify the time and place where a plan of the area may be inspected.

19. *Contents of detailed development plan.*— A detailed development plan may propose or provide for all or any of the following matters, namely:—

(a) the laying out or relaying out of land, either vaccant or already built upon, as building sites ;

(b) the construction, diversion, extension, alteration, inprovement or closure of lanes, streets, roads and communications;

(c) the construction, alteration, removal or demolition of buildings, bridges and other structures;

(d) the acquisition by purchase, exchange or otherwise of any land or other immovable property within the area included in the detailed development plan whether required immediately or not;

(e) the redistribution of boundaries and the reconstitution of plots belonging to owners of property;

(f) the disposal by sale, exchange, lease or otherwise of land acquired or owned by the Local Planning Authority;

(g) transport facilities;

(h) Water supply;

(i) lighting;

(j) drainage inclusive of sewage and of surface draining and sewage disposal;

(k) the allotment or reservation of land for streets, roads, squares, canals, railways and buildings for religious and charitable purposes. Open spaces, gardens, recreation grounds, schools, hospitals, dispensaries, posts and telegraphs, public buildings and public purposes of all kinds;

(l) the allotment or reservation of land for market, shops, and other commercial establishments, industrial establishments of various sizes and types and with varying performance characterics, residential buildings of various types and sizes and agricultural uses;

(m) the construction of buildings generally and housing or re-housing of persons displaced by the detailed development plans;

(n) the demarcation of places or objects and buildings of archaeological or historical interest or natural scenic beauty or actually used for religious purposes or regarded by the public with veneration; or the protection of canal, tank or river sides, coastal areas and other places of natural or landscape beauty;

(o) the imposition of conditions and restrictions in regard to the character, density, architectural features and height of buildings, the building or control lines for roads, railway lines and power supply lines and the purposes and uses to which buildings or specified areas may or may not be appropriated and the provision and maintenance of sufficient open spaces about buildings;

(p) the advance to the owners of lands or buildings comprised within the detailed development plan upon such terms and conditions as may be provided by the said plan, of the whole or part of the amount required for the erection of buildings or for carrying out the works, alterations or improvements in accordance with the detailed development plan ;

(q) the standards of population density and building density ;

(r) the restriction and conditions subject to which land can be sub-divided for building purposes or for sale and the restriction for the formation of streets whether public or private ;

(s) the erection of building on any site and the restrictions and conditions in regard to the open spaces to be maintained in or around the building and height and character of building ;

(t) the amenities to be provided in the site of building or building in the site whether before or after the erection of building and the person or authority by whom or at whose expense such amenities are to be provided ;

(u) the maintenance of walls, fences, hedges or any other structural or architectural constructions and the height at which they shall be maintained ;

(v) the restrictions regarding the use of any site for purposes other than erection of building ;

(w) the agencies responsible for the carrying out of specific provisions of the detailed development plan ;

(x) the zoning regulations and regulations for enforcing or carrying out provisions of plan ; and

(y) such other matters as may be prescribed.

20. *Preparation and submission of the detailed development plan.*—The local planning authority or the special development authority, as the case may be, shall within such time as may be prescribed and after consulting in the prescribed manner, the owners of lands and buildings in the area prepare in consultation with the Chief Town Planner a detailed development plan and submit the same to the Chief Town Planner.

21. *Powers of Government to require regional planning authority, local planning authority and special development authority to prepare plans.*—Notwithstanding anything contained in sections 1., 17 and 18, the Government may, by notification, require a regional planning authority or a local planning authority or a special development authority to prepare and submit to the Government

before a fixed date a regional plan or an area development plan or a detailed development plan, as the case may be, in respect of any area.

22. *Consent of Government to the publication of notice of preparation of plans.*—(1) As soon as may be after the regional plan or area development plan has been submitted to the Government, the Government may direct the appropriate planning authority to make such modifications in the regional plan or the area development plan as they think fit and thereupon the appropriate planning authority shall make such modifications and resubmit it to the Government.

(2) The Government shall after the modifications, if any directed by them, have been made, give their consent to the appropriate planning authority to the publication of a notice under section 24 of the preparation of the regional plan or the area development plan.

23. *Consent of the Chief Town Planner to publication of notice of preparation of detailed development plan.*—(1) As soon as may be after the detailed development plan has been submitted to the Chief Town Planner, the Chief Town Planner may direct the local planning authority or a special development authority to make such modifications in the detailed devolopment plan as he thinks fit in the public interest and thereupon the local planning authority, or the special development authority, as the case may be, shall make such modification and resubmit it to him :

Provided that in cases where an area development plan has not been previously prepared and sanctioned by the Government any differeace of opinion between the Chief Town Planner and the local planning authority or the special development authority shall be decided by the Goverment.

(2) The Chief Town Planner shall, after the modification if any, directed by him have been made, give his consent to the local planning authority or the special development authority, as the case may be, to the publication of a notice under sub section (i) of section 25 of the preparation of the detailed development plan.

24. *Notice of preparation of regional plan and the area development plan.*—(1) As soon as may be after the appropriate planning authority has received the consent of the Government under sub-section (2) of section 22 to the publication of the notice, the appropriate planning authority shall publish the notice in the Gazette, and in at least one leading daily newspaper of the region of the preparation of the regional plan or the area development plan as the case may be and the place or places where copies of the same

may be inspected, inviting objections and suggestions in writing from any person in respect of the said plan within such period as may be specified in the notice :

Provided that such period shall not be less than two months from the date of the publication of the notice in the Gazette:

Provided further that a copy of the area development plan shall be forwarded to the local authorities concerned inviting objections and suggestions within the specified period.

(2) After the expiry of the period mentioned in sub-section (1), the appropriate planning authority shall allow a reasonable opportunity of being heard to any person including representatives of Government Departments and authorities, who have made a request for being so heard and make such amendments to the regional plan, or the development plan, as the case may be, as it considers proper and shall submit the said plan with or without modifications to the Government through the Chief Town Planner with a report on the objections and suggestions received and the manner in which they were dealt with.

25. *Notice of preparation of detailed development plan.*—(1) As soon as may be, after the appropriate planning authority has received the consent of the Chief Town Planner under sub-section (2) of section 23 to the publication of the notice, the planning authority shall publish the notice in the Gazette and in at least one leading daily newspaper of the area of the preparation of the detailed development plan and the place or places where copies of the same may be inspected, inviting objections and suggestions in writing from any person in respect of the said plan within such period as may be specified in the notice :

Provided that such period shall not be less than one month from the date of the publication of the notice in the Gazette :

Provided further that a copy of the detailed development plan shall be forwarded to the local authorities concerned inviting objections and suggestions within the specified period.

(2) After the expiry of the period mentioned in sub-section (1), the planning authority shall allow a reasonable opportunity of being heard to any person including representatives of Government departments and authorities who have made a request for being so heard and make such amendments to the detailed development plan as it considers proper and shall submit the said plan with or without modifications to the Government through Chief Town Planner with a report on the objections and suggestions received and the manner in which they were dealt with.

26. *Approval by Government.*—(1) As soon as may be after the submission of the regional plan, the area development plan or the detailed development plan, the Government may, after consulting the Board, if they so desire, either approve the said plan or may approve it with such modifications, as they may consider necessary, or may return the said plan to the appropriate planning authority to modiffy the plan or to prepare a fresh plan in accordance with such directions as the Government may issue in this behalf and resubmit it to the Government for approval.

(2) When a detailed development plan for any area is approved by the Government, the provisions of the regional plan or area development plan for that area shall cease to be in force.

27. *Coming into operation of development plan.*—(1) The approval of the Government to a development plan under section 26 shall be published by the Government by notification.

(2) A notification published under sub-section (1) shall be conclusive evidence that a development plan has been duly made and approved, and such plan shall come into operation from the date of publication of such notification.

28. *Variation, revocation and modification of development plan.*—(1) A development plan approved under section 26 may at any time be varied or revoked by a subsequent development plan, prepared and approved under this Act.

(2) (a) Once in every ten years after the date on which the regional plan for an area comes into operation, the regional planning authority may, and if so directed by the Goverment shall, after carrying out such fresh surveys as may be considered necessary and in consultation with the Chief Town Planner, review the regional plan and make such modifications in such plan wherever necessary and submit through the Chief Town Planner the modified regional plan for the approval of the Government.

(b) Once in every five years after the date on which an area development plan comes into operation, the local planning authority may, and if so directed by the Government shall, after carrying out such fresh surveys as may be considered necessary and in consultation with the regional planning authority and the Chief Town Planner review the development plan and make such modifications in such plan wherever necessary and submit through Chief Town Planner the modified area development plan for the approval of the Government ;

(3) The provision of sections 24, 26 and 27 with such modifications as may be necessary shall apply to such modified regional plan or area development plan, as the case may be.

(4) The Government may, at any time by notification vary or revoke the regional plan, area development plan or a detailed development plan, as the case may be, prepared and approved under this Act.

29. *General town planning scheme prepared under Town Planning Act, 1108, Madras Town Planning Act, 1920, Travancore Town and Country Planning Act, 1120 to be deemed area development plan under this Act.*—Every general town planning scheme notified, submitted or sanctioned under the Town Planning Act, 1108 (Act IV of 1108), the Madras Town Planning Act, 1920 (Madras Act VII of 1920) or the Travancore Town and Country Planning Act, 1120 (Act XXI of 1120) and the rules made thereunder together with any variations made thereto shall, for the purposes of this Act, be deemed to be an area development plan under this Act, and all actions taken under the said Acts in respect thereof shall be deemed to have been taken under this Act.

30. *Detailed town planning schemes prepared under Town Planning Act, 1108, Madras Town Planning Act, 1920, and Travancore Town and Country Planning Act, 1120 to be deemed detailed development plans under this Act.*—Every detailed town planning scheme notified, submitted or sanctioned under the Town Planning Act 1108 (Act IV of 1108), the Madras Town Planning Act, 1920 (Madras Act VII of 1920) and the Travancore Town and Country Planning Act, 1120 (Act XXI of 1120) and the rules made thereunder, together with any variations made thereto shall, for the purposes of this Act, be deemed to be a detailed development plan made under this Act, and all actions taken under the said Acts in respect thereof shall be deemed to have been taken under this Act.

31. *Special provision in respect of development plan.*—Notwithstanding anything contained in this Act or in any other law relating to local authorities for the time being in force, any development plan prepared under this Act may, besides the other matters provided for in the foregoing provisions provide for all or any of the following matters namely:—

(i) the suspension, restriction or modification, so far as may be necessary for the proper carrying out of such development plan, of any provision in the Kerala Municipal Corporations Act, 1961 (Act 3 of 1961), the Kerala Municipalities Act, 1961 (14 of 1961) and the Kerala Panchayats Act 1960 (32 of 1960) or any other law relating to local authorities, for the time being in force, or in any rule, bye-law or regulation made under the said Acts or laws and in force in the area included in such development plan;

(ii) the determination of the size and shape of every reconstituted plot for rendering it suitable, so far as may be, for planning purposes including building purposes;

(iii) the formation of any reconstituted plot by the alteration of the boundaries of the plot in the original size;

(iv) the conversion, with the consent of the owners, of ownership held severally or jointly, of two or more plots in the original size, with or without alteration of boundaries, into common ownership of such plot as reconstituted plots; and

(v) the transfer, with the consent of the owners, of the ownership of a plot from one person to another.

CHAPTER IV

ACQUISITION AND DISPOSAL OF LAND

32. *Power to acquire land under the Land Acquisition Act.*—Immovable property required for the purpose of implementing a development plan shall be deemed to be as land needed for public purpose within the meaning of the Kerala Land Acquisition Act, 1961 (21 of 1962) and may be acquired under the provisions of that Act.

33. *Power to purchase land.*—(1) Where, after the publication of the notice in the Gazette of the preparation of a development plan, any land is required for the implementation of the said plan, the appropriate planning authority may enter into agreement with any person for the acquisition from him by purchase of any land which may be acquired under section 32 provided that the land value shall be got approved by the Collector of the district concerned.

34. *Right to compensation.*—(1) Any person, whose property is injuriously affected by virtue of any of the provisions contained in any development plan made under this Act shall if he prefers a claim for the purpose before the Tribunal with such particulars and within such period as may be prescribed, be entitled to obtain compensation in respect thereof as determined by the Tribunal:

Provided that property shall not be deemed to be injuriously affected by reason of any of the provisions inserted in any development plan which impose any conditions or restrictions—

(i) in regard to any of the matters specified in clauses (a) and (f) of sub-section (2) of section 15 or clauses (b), (k), (l) and (n) of sub-section (2) of section 17 or clauses (l), (n), (o) and (r) of sub-section (1) of section 19; or

(ii) in regard to any of the matters specified in clause (c) of sub-section (2) of section 17 and clause (k) of sub-section (1) of section 19 for a period up to five years from the date of coming into operation of the development plan under section 27.

(2) If at any time after the day on which any development plan has come into force, such plan is varied or revoked, any person who has incurred any expenditure for the purpose of complying with such plan shall, if he prefers a claim for the purpose to the Tribunal with such particulars and within such time as may be prescribed, be entitled to obtain compensation in respect thereof as determined by the Tribunal if by reason only of the variation or revocation of such plan, such expenditure has ceased to be in any way beneficial to him.

35. *Disposal of land by planning authorities.*—(1) Subject to any direction given by the Government under this Act, a planning authority may dispose of any land acquired by it to such persons, in such manner, and subject to such terms or conditions as it considers expedient, for securing the development of the area in accordance with the development plan approved by the Government under this Act.

CHAPTER V

ADDITIONAL PROVISIONS REGARDING SPECIAL DEVELOPMENT AUTHORITY

36. *Power of Special Development Authority to undertake or carry out developments or works.*—Notwithstanding anything contained in clause (c) of sub-section (1) of section 12, the Government may direct a special development authority to undertake or carry out any developments or works in any area and the special development authority shall carry out all such developments or works.

37. *Power to make agreement for provision of services.*—A special development authority may make any agreement or enter into any contract with any local authority, planning authority or statutory body in order to secure the provision of services, such as water supply, drainage including

sewerage, electricity and gas within the area of operation, subject to the power of the Government to modify or disallow such agreement or contract.

38. *Contributions by special development authority towards expenditure of local authority, planning authority and statutory body.*—Without prejudice to the generality of the powers conferred on a special development authority under this Act, any special development authority may, with the consent of the Government, contribute such sums as the Government may determine towards expenditure incurred or to be incurred by any local authority, planning authority or statutory body in the performance, in relation to its jurisdiction of any of their statutory functions, including expenditure so incurred in the acquisition of land.

39. *Power of special development authority to borrow and lend.*—(1) Subject to such conditions and limitations as may be prescribed and with the previous approval of the Government, the special development authority may, for the promotion and execution of works in the development plan made under this Act, borrow money from the public or from any corporation owned or controlled by any State Government or by the Central Government.

(2) Subject to such conditions and limitations as may be prescribed and with the previous approval of the Government, the special development authority may, for the promotion and execution of works in the development plan made under this Act, enter into financial arrangements with any bank or other financial institutions approved by the Government or with the Life Insurance Corporation of India established under section 3 of the Life Insurance Corporation Act, 1956 (Central Act 31 of 1956).

(3) Subject to the provisions of this Act and to such conditions and limitations as may be prescribed, the special development authority may out of its funds, grant loans and advances on such terms and conditions as it may determine, to any co-operative society registered or deemed to be registered under the law relating to co-operative societies for the time being in force in the State or to any institution or person for the construction of houses and buildings or for other uses.

40. *Transfer of undertaking of special development authority.*—Without prejudice to the power of a special development authority under this Act in disposing of any of its properties, a special development authority may, by an agreement made with any local authority or planning authority or statutory undertaker and with the prior approval of the Government transfer to that local authority or planning authority or statutory undertaker any part of its properties upon such terms as may be provided for by the agreement and after following such procedure as may be prescribed.

41. *Combination and transfer of functions of special development authority.*— (1) If it appears to the Government, in the case of any area, that there are exceptional circumstances which render it expedient that the functions of a special development authority under this Act should be performed by the special development authority established for the purposes of any other area, instead of by a separate special development authority established for the purpose, they may in liew of establishing such a separate special development authority by order direct that the said functions shall be performed by the special development authority established for the said other area.

(2) If it appears to the Government that there are exceptional circumstances which render it expedient that the functions of a special development authority established for the purposes of an area should be transferred to the special development authority established for the purposes of any other area, they may, by order provide, for the dissolution of the first mentioned special development authority and for the transfer of its functions, property, rights and liabilities to the special development authority established for the purposes of the said other area.

(3) Without prejudice to the provisions of this Act relating to the variation of the orders made thereunder, an order under this section, providing for the exercise of function in relation to purposes of another area, or for the transfer of such functions to such special development authority, may modify the name and constitution of that special development authority in such manner as appears to the Government to be expendient, and for the purposes of this Act that special development authority shall be deemed to have been established for the purposes of each of those areas.

(4) Before making an order under this section providing for the transfer of functions from or to a special development authority or for the exercise of any function by such special development authority, the Government shall consult that special development authority.

CHAPTER VI

CONTROL OF DEVELOPMENT AND USE OF LAND

42. *Use and development of land to be in conformity with development plan.*— After the coming into operation of any development plan in any area, no

person shall use or permit to be used any land or carry out any development in that area otherwise than in conformity with such development plan:

Provided that the continuance of the use of any land for the purpose and to the extent for, and to which it is being used on the date on which such development plan comes into operation, may be allowed for such period and upon such terms and conditions as may be specified in such development plan.

43. *Prohibition of development without payment of development charges and without permission.*—(1) After the commencement of this Act in any area and subject to the provisions relating to the development charge and other provisions of this Act, no development or institution or change of use of any land shall be undertaken or carried out in that area—

(a) without obtaining a certificate from the appropriate planning authority certifying that the development charge as leviable under this Act has been paid or that no such development charge is leviable; and

(b) without obtaining the permission in writing as hereinafter provided.

(2) The Government may, by notification, exempt any, body or person from obtaining a certificate as provided in clause (a) of sub-section (1) or obtaining a permission as provided in clause (b) of that sub-section or both in any planning area or part of a planning area and for any specified period, for carrying out any development or instituting or changing the use of any land in the said area.

(3) No certificate as provided in clause (a) of sub-section (1) and no permission as provided in clause (b) of that sub-section shall be necessary—

(i) for carrying out works for the maintenance, improvement or other alteration of any building, being works which affect only the interior of the building or which do not materially affect the external appearance of the building;

(ii) for the carrying out by the Central or the State Government or any local authority of any works required for the continuance or improvement of highway, road or public street, being works carried out on land within the boundaries of such highway road or public street;

(iii) for the carrying out by the Central or the State Government or any local authority of any works for the purpose of inspecting, repairing or renewing drains, sewers, pipes cables or other apparatus including the breaking open of any street or other land for that purpose;

(iv) for the excavations (including wells) made in the ordinary course of agricultural operations;

(v) the normal use of land which has been used temporarily for other purposes;

(vi) in the case of land normally used for one purpose and occasionally used for any other purpose, for the use of the land for that other purpose, on occations; and

(vii) the use for any purpose incidental to the use of a building for human habitation, of any other building or land attached to such building.

(4) Any person or body (excluding a Department of the Central or State Government or local authority) intending to carry out any development institution or change of use of any land shall make an application in writing to the appropriate planning authority for permission in such from and containing such particulars and accompanied by such documents and plans as may be prescribed by rules or regulations.

(5) In the case of a Department of the Central or the State Government or a local authority intending to carry out any development or institution or change of use of any land other than any operational construction, the concerned officer of the Department or authority shall inform the appropriate planning authority in writing of itention giving full particulars thereof and accompanied by such documents and plans as may be prescribed by rules or regulations at least one month prior to the undertaking of such development or institution or change of use and where a planning authority concerned has raised any objection with regard to such development, institution or change of use under sub-section (8), the Department or local authority, as the case may be, shall make the necessary modification in the proposals for development, institution or change of use, to meet the objections raised by the planning authority.

(6) If the Department or local authority is not readily agreeable for the modification referred to in sub-section (5), it shall submit the proposal for the development together with the objections raised by the planning authority concerned to the Government for decision.

(7) The Government on receipt of the proposal for develpment together with the objections of the planning authority either approve the proposal with or without modification or direct the officer concerned or the authority to make such modification in the proposal as they consider necessary in the cirumstances and the officer concerned or the authority, as the case may be, shall be bound to make such modifications as proposed by the Govenment :

Provided that the Department or local authority, as the case may be, shall not commence carrying out the development, institution or change of use before Government decision as aforesaid is communicated to it and

if it commences carrying out the development, institution or change of use before such Government decision is communicated to it, the provision of sub-section (8) shall not apply:

Provided further that in respect of areas which have been declared as planning areas, construction for defence purposes shall be subject to clearance regarding land use only and the defence authorities shall be required to submit general plans only without detailed designs:

Provided also that in areas which have not been declared as planning areas, contruction for defence purposes shall not be subject to approval by any local authority and the defence authority shall be required to obtain clearance of the development authority only for the land use, if any, prescribed under the development plan.

Explanation 1.—For the purposes of this section, "operational construction" means any construction whether temporary or permanent, which is necessary for the operation, maintegance, development or execution of any of the following services, namely ;—

(i) Railways ;

(ii) national highways ;

(iii) national waterways ;

(iv) major ports ;

(v) airways and aerodromes ;

(vi) posts and telegraphs, telephones, wireless, broadcasting and other like forms of communication ;

(vii) regional grid for electricity ;

(viii) any other service which the Government may, if they are of opininon that the operation maintenance, development or excution of such service is essential to the life of the community by notification, declare to be a sevice for the purposes of this clause.

Explanation 2.—For the removal of doubts, it is hereby declared that the construction of—

(i) new residential buldings (other than gate, lodges, quarters for limited essential operational staff and the line), roads and drains in railway colonies, hospitals, clubs, institutes and schools, in the case of railways ; and

(ii) a new building, new structure or new installation or any extension thereof, in the case of other service, shall not be deemed to be operational constuction within the meaning of Explanation 1.

(8) On receipt of an application under sub-section (4), and on payment of the development charges as may be assessed under Chapter VII.—

(a) the planning authority may pass an order—

(i) granting permission unconditionally; or

(ii) granting permission subject to such conditions as it may think fit to impose; or

(iii) refusing permission;

(b) without prejudice to the generality of the foregoing clause, the planning authority may impose conditions—

(i) to the effect that the permission granted is only for a limited period and after the expiry of that period the land shall be restored to its previous condition or the use of land permitted shall be discontinued;

(ii) for regulating the development or use of any, other land under the control of the applicant or for the carrying out of works on any such land as may appear to the planning authority expedient for the purpose of the permitted development.

(9) The Planning Authority, in dealing with an application for permission, shall have regard to—

(i) the purpose for which the permission is required and the suitability of the place for such purpose;

(ii) the provisions of the development plan, if it has come into operation;

(iii) the proposals or provisions which it thinks are likely to be made in any development plan under preparation or to be prepared; and

(iv) any other material consideration.

(10) When permission is granted subject to conditions or is refused, the grounds of imposing such conditions or such refusal shall be recorded in the order.

(11) Any such order shall be communicated to the applicant in the manner prescribed by regulations.

(12) The planning authority may, by a resolution, delegate any of its functions and powers under this section to any local authority, or any officer of the Government with the previous approval of the Government, or any officer of the planning authority or of a local authority, as may be mentioned therein, in such cases and subject to such conditions, if any, as may be specified therein.

44. *Duration of permission.*—Every permission for any development granted under this Act shall remain in force for three years only from the date of such permission;

Provided that the planning authority may, on application made in this behalf before the expiry of the aforesaid period, extend such period for such time as it may think proper; but such extended period shall in no case exceed three years:

Provided further that the expiry of permission shall not prohibit any subsequent application for fresh permission under this Act.

45. *Compensation for refusal of permission or grant of permission subject to conditions in certain cases.*—(1) Where an order in appeal under section 72 refusing to grant permission or granting permission subject to conditions relates to any of the following developments—

(a) the re-erection of a building which has been destroyed or demolished so long as the cubic content of the original building is not exceeded by more than one-tenth;

(b) the enlargement, improvement or other alteration of any building which was in existence on the date a development plan relating to the area comes into operation for the first time so long as the cubic content of the original building is not exceeded by more than one-tenth;

(c) the carrying out, on land used for the purposes of agriculture, of any building or other operation required for that purpose, other than operations for the erection, enlargement improvement or alteration of a building for human habitation or of building used for the purpose of marketing of the produce of land;

(d) where any part of any building or other land which on the date of coming into operation of a development plan relating to the area for the first time, is used for a particular purpose, the use for that purpose of any additional part of the building not exceeding one-tenth of the cubic content of the part of the building used for that purpose on that day, or as the case may be, one-tenth of the area of the land so used on that date,

the owner may, within the time and in the manner prescribed claim upon the planning authority, compensation for such refusal or for grant of permission subject to conditions:

Provided that no compensation shall be claimed if such refusal or grant of permission subject to conditions was based on any provision of any development plan.

(2) The compensation referred to in sub-section (1) shall be equal to,—

(a) where permission is refused, the difference between the value of the land as if the permission had been granted and the value of the land in its existing state;

(b) where permission is granted subject to conditions, the difference between the value of the land as if the permission had been granted unconditionally and the value of the land with the permission granted subject to conditions.

(3) When a claim under sub-section (1) is received by the planning authority, the member secretary of the authority shall make a report on the claim to the planning authority.

(4) The planning authority, shall, after considering the report under sub-section (3), assess the compensation and offer it to the owner.

(5) If the owner does not accept the compensation and gives notice, within such time as may be prescribed, of his refusal to accept, the planning authority shall refer the matter for the adjudication of the Tribunal, and the decision of the Tribunal thereon shall; subject to any appeal, revision or review as provided for in this Act, be final and binding on the owner and the planning authority.

46. *Power of revocation and modification of permission to develop.*—(1) If it appears to a planning authority that it is expedient having regard to the development plan, prepared, under preparation or to be prepared and to any other material considerations, that any permission to develop land granted under this Act or any other law, should be revoked or modified, the planning authority may, by an order, revoke or modify the permission to such extent as appears to it to be necessary :

Provided that no such order,—

(a) where the permission relates to the carrying out of building or other operations,—

(i) shall affect such of the operations as have been previously carried out; and

(ii) shall be passed after the operations have been completed;

(b) shall be passed where the permission relates to a change of use of land or building at any time after the change has taken place.

(2) When permission is revoked or modified by an order made under subsection (1), if the owner claims from the planning authority within the time and in the manner prescribed, compensation for the expenditure

incurred in carrying out the works after the grant of permission and according to the permission, which has been rendered abortive by the revocation or modification, the planning authority shall, after giving the owner a reasonable opportunity of being heard by its member secretary, assess and offer such compensation to him as it thinks fit.

(3) If the owner does not accept the compensation and gives notice, within such time as may be prescribed, of his refusal to accept, the planning authority shall refer the matter for the adjudication of the Tribunal, and the decision of the Tribunal thereon, shall, subject to any appeal, revision or review as provided for in this Act, be final and be binding on the owner and the planning authority.

47. *Bar of claim to compensation in certain cases.*— (1) Nothing contained in this Act shall be deemed to confer upon any person any right to obtain any compensation in respect of any development made by him on or after the date of the publication of the resolution under section 18 or of the notice in the Gazette under section 24, as the case may be, without obtaining the permission as required under section 43 in respect of such development.

(2) Where any property is alleged to be injuriously affected by reason of any of the provisions contained in the development plan no compensation would be paid in respect thereof, if or in so far as the provisions are such as would have been enforceable without any compensation under any law, rule or regulation or byelaw at the time in force.

48. *Power to require removal of unauthorised development.*—(1) Where any development of land or building or institution or change of use of any land has been carried out—

(a) without permission required under this Act; or

(b) without obtaining a certificate regarding development charges under clause (a) of subsection (1) of section 43; or

(c) in contravention of any permission granted or any condition subject to which permission has been granted; or

(d) after the permission for development of land or building or institution or change of use of any land has been duly revoked; or

(e) in contravention of any permission which has been duly modified;

the appropriate planning authority may, within three years of such development, serve on the owner a notice requiring him within such period, being not less than one month as may be specified therein after the service of the notice, to take such steps as may be specified in the notice—

(i) in cases specified in clause (a) or clause (d) to restore the land to its condition before the said development took place:

(ii) in cases specified in clause (c) or clause (e) to secure compliance with the permission or with the conditions of the permission, as the case may be;

(iii) in cases specified in clause (b) to pay the development charge and such penalty if any, as may be prescribed.

(2) In particular any such notice may, for the purposes aforesaid require—

(i) the demolition or alteration of any building or works;

(ii) the carrying out on land, of any building or other operations;

(iii) the discontinuance of any use of land or building:

Provided that, in case the notice requires the discontinuance of any use of land or building, the appropriate planning authority shall serve a notice on the occupier also.

(3) Any person aggrieved by such notice, may, within the period specified in the notice and in the manner prescribed, apply for permission under section 43 for the retention of the lands, or any building or works or for the continuance of any use of the land or building to which the notice relates.

(4) The notice shall not be of any effect pending the final determination or withdrawal of the application.

(5) The foregoing provisions of this chapter shall, so far as may be, apply to an application made under sub-section (3).

(6) If such permission applied for is granted on that application, the notice shall not take effect, or if such permission is not granted, the notice shall have full effect or if such permission is granted for the retention only of some buildings or works, or for the continuance of use of only a part of the land or building, the notice shall not take effect regarding such buildings or works or such part of the land or building, but shall have full effect regarding other buildings or works, or other parts of the land or building, as the case may be.

(7) If within the period specified in the notice or within such period after the disposal or withdrawal of the application for permissi[illegible] or so much of it which continues to have effect, is not com[illegible] appropriate planning authority may—

(a) prosecute the owner for not complying with [illegible] case where the notice requires the disconti[illegible] land or building, any other person, who [illegible] ding or cause, or permits the land or b[illegible] contravention of the notice; and

(b) in a case where the notice requires the demolition or alteration of any building or works or carrying out of any building or other operations, itself cause the restoration of the land to its condition before the development took place and secure compliance with the conditions of the permission or with the permission as modified by taking such steps as the planning authority may consider necessary including demolition or alteration of any building or other operations, and may recover the cost or any expenses incurred by it in this behalf from the owner as arrears of land revenue.

49. *Restoration of property to original state in certain cases.*—

(1) Where any person—

(a) subject to the proviso to section 42, uses or causes to be used any land or carries out any development in that area otherwise than in conformity with such development plan;

(b) has erected any building or made or extended any excavation or carried out any mining or other operation or made any material change in the use of land or constructed, formed or laid out any work without taking written permission from the appropriate planning authority, or not in accordance with any condition specified in any permission on or after the date of the publication of the resolution under sub-section (2) of section 18 or of the notice under section 24 in the Gazette,

the appropriate planning authority may, by order, require such person to restore the land or building to its original condition, or to bring the land or building in conformity with any condition specified in such permission within such period as may be specified in the order.

(2) If such person fails to comply with such order within the period specified in the order the appropriate planning authority may itself take such measures as appears to it to be necessary to give effect to the order and recover the cost thereof from such person as arrears of land revenue.

50. *Power to stop unauthorised development.*—(1) Where any development, institution or change of use of any land as described in sub-section (1) of section 48 is being carried out but has not been completed, the planning authority, may serve on the owner and the person carrying out the develop-
[illegible] ion or change of use, a notice requiring the development, insti-
[illegible] of use to be discontinued from the time of the service or

[illegible] ice is not complied with forthwith, the planning autho-
[illegible] the planning authority, who may be authorised by it
[illegible] quire any police officer to remove such person and all
[illegible] from the land at any time after the service of such
[illegible] fficer shall comply with the requisition accordingly.

(3) After the requisition under sub-section (2) has been complied with, the planning authority or such officer of the planning authority who may be authorised by it in this behalf may, if it or he thinks fit, depute by a written order a police officer or any officer or employee of the planning authority to watch the land in order to ensure that the development, institution or change of use is not continued.

(4) Where a police officer or an officer or employee of the planning authority has been deputed under sub-section (3) to watch the land, the cost of such deputation shall be paid by the person at whose instance such development, institution or change of use continued or to whom notice under sub-section (1) was given and shall be recoverable from such person as arrears of land revenue.

51. *Power to require removal of authorised development or use.*—(1) If it appears to a planning authority that it is expedient in the interests of the proper planning of its areas (including the interests of amenities) regard being had to the development plan prepared, or under preparation, or to be prepared and to any other material considerations—

(a) that any use of land should be discontinued; or

(b) that any condition should be imposed on the continuance thereof; or

(c) that any building or work should be altered or removed, the planning authority may, by notice served on the owner:—

(i) require the discontinuance of that use; or

(ii) impose such conditions, as may be specified in the notice on the continuance thereof; or

(iii) require such steps, as may be specified in the notice, to be taken for the alteration or removal of any buildings or works as the case may be,

within such period, being not less than one month, as may be specified therein, after the service of the notice.

(2) Any person aggrieved by such notice shall have the right to prefer an appeal as provided under section 72.

(3) If any person—

(a) who has suffered damage in consequence of the compliance with an order in appeal under sub-section (2) by the depreciation of any interest in the land to which he is entitled or by being disturbed in his enjoyment of the land; or

(b) who has carried out any works in compliance with an order in appeal under sub-section (2), the claims from the planning authority within the time and in the manner prescribed, compensation in respect of that damage or of expense reasonably incurred by him for complying with the notice, the provisions of sub-sections (3), (4) and (5) of section 45 shall apply with such modifications as may be necessary.

52. *Interim provision pending preparation of development plan.*—Where a planning authority, in the exercise of its functions and powers with respect to any area under it, is required to have regard to the provisions of a development plan before such development plan has become operative, the planning authority shall have regard to the provisions which in its opinion will be required to be included for securing the proper planning of the said area.

CHAPTER VII

LEVY, ASSESSMENT AND RECOVERY OF DEVELOPMENT CHARGES

53. *Leavy of development charges.*—(1) Subject to the provisions of this Act and the rules made thereunder every planning authority including a local authority where such local authority is the planning authority shall levy charges hereinafter called the development charges on the institution of use or change of use of land or building or development of any land or building for which permission is required under this Act, in the whole or any part of the planning area within the maximum rates specified in section 54:

Provided that the rates of development charges may be different for different parts of the planning area and for different uses:

Provided further that the previous sanction of the Government had been obtained for the rates of levy.

(2) When a planning authority including a local authority where such local authority is the planning authority shall have determined to levy development charges for the first time or at a new rate, such authority shall forthwith publish a notification in the Gazette specifying the rates of levy of development charges.

(3) The development charges shall be leviable on any person who undertakes or carries out any such development or institutes or changes any such use.

(4) Notwithstanding anything contained in sub-sections (1) and (2), no development charges shall be levied on development, or institution of use or change of use of, any land or building vested in, or under the control or possession of the Central or any State Government or of any local authority.

54. *Rates of development charges.*—(1) (a) For the purpose of assessing the development charge, the use of land and building shall be classified under the following categories:—

(i) industrial:

(ii) commercial;

(iii) residential;

(iv) agricultural; and

(v) miscellaneous.

(b) In classifying the use of land and building under any of the categories mentioned in clause (a), the predominant purpose for which such land and building are used shall be the main basis for such classification.

(2) The rate of development charges shall be determined on the proposed use of land or building—

(a) in the case of development of land, at a rate to be prescribed per hectare for that area;

(b) in the case of development of building, at a rate to be prescribed per square metre of floor area for that area:

Provided that such rates shall not exceed twenty thousand rupees per hectare in the case of development of land and five rupees per square metre in the case of development of building:

Provided further that where land appurtenant to a building is used for any purpose independent of the building, development charge may be levied separately for the building and the land.

55. *Assessment of development charges.*—(1) Any person who intends to carry out any development or institute or change any use of any land or building for which permission is required under this Act, whether he has applied for such permission or not, or who has commenced carrying out any such development or has carried out such development or instituted or changed any such use shall apply to the appropriate planning authority within such time and in such manner as may be prescribed, for the assessment of development charges payable in respect thereof.

(2) The appropriate planning authority shall on such application being made or if no such application is made, after serving a notice in writing on the person liable to such payment and after calling for a report in this behalf from the concerned town and country planning officer determine whether or not, and if so what development charge, is leviable in respect of that development or institution of use or change of use and fix a date by which

such payment shall be made and interest at the rate of six per cent per annum upon any amount outstanding shall be payable from that date.

(3) The Town and Country Planning Officer shall, after giving reasonable opportunity of being heard to the person who has made an application under sub-section (1), or who has been served with a notice under sub-section (2), make a report to the planning authority:

Provided that—

(a) where permission under this Act has not been granted for carrying out the said development, the appropriate planning authority may postpone the assessment of the development charges;

(b) where the application relates to the carrying out of any development, the appropriate planning authority may refuse to assess the amount of development charges payable by the person concerned unless it is satisfied that the applicant has an interest in the land or building sufficient to enable him to carry out such development or that the applicant is able to obtain such interest and that the applicant shall carry out the development within such period as the authority may determine;

(c) where the application relates to the institution or change of any use, the appropriate planning authority may refuse to assess the amount of development charge in respect thereof unless it is satisfied that the use will be instituted within such period as it considers appropriate.

56. *Development charge to be a charge on land and to be recoverable as arrears of land revenue.*—(1) If any development of land is commenced or carried out or any use is instituted or changed without payment of the amount of the development charge assessed under the provisions of this Chapter, the amount of the development charge shall, subject to prior payment of the land revenue or any tax or cess due on land payable to the Government, be a first charge upon the interest of the persons so liable in the land on which development has been commenced or carried out or the use has been instituted or changed, and also in any other land in which such person has any interest.

(2) All development charges payable in respect of any land or building by any person shall, together with interest due up to the date of realisation, be recoverable by the planning authority concerned from such person or his successor in interest in such land or building, as arrears of land revenue.

Chapter VIII

FINANCE

57. *State Town and Country Planning and Development Fund.*—(1) The Government may constitute a State Town and Country Planning and Development Fund for the purpose of furthering the town and country planning functions under this Act.

(2) The Government, may, from time to time, allocate moneys from the Consolidated Fund of the State to this fund.

(3) Moneys from this fund may be advanced by the Government as grants or loans on such terms and conditions as the Government may determine, to the planning authorities for the performance of their functions under this Act, which may include—

(a) preparation of development plans;

(b) execution of the development plans in full or in part; and

(c) any purpose incidental to the preparation or execution of development plans.

(4) The said fund shall be vested in and administered and audited by such authorities and in such manner as may be prescribed.

58. *Funds.*—(1) Every planning authority shall maintain a separate fund called "the Planning and Development Fund Accounts" hereinafter called the "fund account".

(2) The fund account may be initially established by the planning authorities with the grants, advances or loans obtained from the Government or from the State Town and Country Planning and Development Fund.

(3) Every local authority shall contribute such moneys not exceeding ten per cent of the general fund of such local authority to the fund account of the planning authority, as the Government, may specify from time to time.

(4) All development charges allocated and moneys received under this Act shall be credited to the fund account.

(5) With the previous approval of the Government, a planning authority, may, for the promotion and execution of works mentioned in the development plan, borrow money from the public or from any Corporation owned or controlled by the Central Government or any State Government and such money shall form part of the fund accounts.

59. *Subventions and loans to the Board and Planning authorities.*—The Government, may, from time to time, make subventions or advance loans to the Board and the planning authorities for the purposes of this Act on such terms and conditions, as the Government may determine.

60. *Utilisation of funds.*—(1) Every planning authority shall utilise the moneys from the fund account for meeting.—

(a) the expenditure incurred in the administration of this Act;

(b) the cost of acquisition of land for purposes of development;

(c) the expenditure for any development or works contemplated in any development plan;

(d) the expenditure for such other purposes as may be required by the planning authority;

(e) the expenditure for such other purposes as the Government may direct.

(2) No part of the fund account shall be appropriated, transferred or otherwise utilised by the planning authority for any purpose other than of making and execution of any development plan or for any purpose incidental to the making or execution of any such development plan.

61. *Budget of the planning authority.*—(1) Every planning authority shall prepare in such form and at such time every year as may be prescribed, a budget in respect of the financial year next ensuing showing its estimated receipts and expenditure under the fund account and shall forward to the Government through the Chief Town Planner such number of copies there of as may be prescribed.

(2) The Government shall, on receipt of such budget estimate and in further consultation with the Chief Town Planner if necessary, either approve the same with or without modifications or direct the planning authority to make such modifications as they may consider necessary.

62. *Accounts and audit.*—(1) Every planning authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the balance sheet in such form as may be prescribed.

(2) The accounts of every planning authority shall be audited annually by such auditor as the Government may appoint in this behalf and any expenditure incurred in connection with such audit shall be payable from out of the fund account.

(3) The auditor appointed under sub-section (2) shall in connection with such audit have such rights, privileges, and authority as may be prescribed and in particular, such auditor shall have the right to demand the production of books, accounts, connected vouchers and other documents and to inspect any of the offices of the planning authorities.

(4) The accounts of every planning authority as certified by such auditor together with the audit report shall be forwarded to the Chief Town Planner before such date as the Government may specify in this behalf, who shall consolidate the report and submit the same to the Government through the Board.

(5) Every planning authority shall comply with such directions as the Government may after perusal of the report of the auditor think fit to issue.

63. *Annual reports.*—(1) The Board shall prepare for every year a report of its activities during that year and submit the report to the Government in such form and before such date as may be prescribed.

(2) Every planning authority shall prepare for every year a report of its activities during that year and submit the report to the Chief Town Planner in such form and before such date as may be prescribed, and the Chief Town Planner shall consolidate the report and submit the same to the Government through the Board.

CHAPTER IX

TRIBUNAL AND ITS STAFF AND FUNCTIONS

64. *Constitution of Tribunal.*—(1) The Government may constitute as many Tribunals as may be necessary for—

(a) deciding disputes relating to levy or assessment of development charges;

(b) determining the amount of compensation and other questions relating to the payment of compensation;

(c) deciding disputes in respect of matters mentioned in clause (e) of sub-section (1) of section 19;

(d) deciding disputes in respect of matters mentioned in section 31; and

(e) any other matter assigned to it by the Government.

(2) The Tribunal shall consist of one person only who shall be a judicial officer not below the rank of Subordinate Judge:

Provided that a Tribunal appointed by the Government for any other purpose can be appointed also for the purposes specified in sub-section (1).

(3) The Tribunal shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (Central Act 5 of 1908).

(4) Each Tribunal shall have jurisdiction over such area, as the Government may, by notification from time to time, determine.

65. *Officers and servants of Tribunal.*—The Tribunal may, with the previous sanction of the Government, appoint such officers and servants as it considers necessary for carrying on its business, and the remuneration and other conditions of service of such officers and servants shall be such, as may be prescribed.

66. *Enquiry into claims and award of compensation.*—(1) The Tribunal shall proceed to enquire in the prescribed manner into every claim preferred under section 34.

(2) The Tribunal shall after such enquiry, determine the amount of compensation payable.

(3) If any question is referred by the appropriate planning authority to the Tribunal for its decision under sub-section (5) of section 45 and sub-section (3) of section 46 the Tribunal shall decide such question and determine the amount of compensation.

(4) The Tribunal shall give to the claimants or their representatives notice in writing of the amount of compensation determined under sub-section (2) or sub-section (3).

67. *Method of awarding compensation.*—(1) In determining the amount of compensation, the Tribunal shall be guided so far as may be, by the provisions of the Kerala Land Acquisition Act, 1961 (21 of 1962) and as regards matters which cannot be dealt with under those provisions, by what is just and reasonable in the circumstances of each case.

(2) If in any case, the exercise of any right in the property is injuriously affected for a time only, the compensation shall be awarded only in respect of the period during which the exercise of such right in the property is so injuriously affected.

(3) The amount of compensation determined under this Act shall be paid by the appropriate planning authority to the person or persons entitled thereto, at his or their option—

(a) in cash in such annual instalments with interest at such rate as may be prescribed, or

(b) in saleable or otherwise transferable promissory notes or other securities or stock certificates of the Government, or

(c) partly in cash or partly in such securities specified in clause(b), as may be required by the person or persons concerned.

(4) The option referred to in sub-section (3) shall, subject to the provisions of section 68, be exercised by such person or persons concerned before the expiry of a period of one month from the date of communication of the order relating to the payment of compensation and the option so exercised shall be final and shall not be altered or rescinded after it has been exercised.

(5) Any person who omits or fails to exercise the option referred to in sub-section (3) within the time specified in sub-section (4), shall be deemed to have opted for payment in securities and stock certificates referred to in clause (b) of sub-section (3).

(6) The amount of compensation payable in instalments shall be paid and the securities and stock certificates referred to in clause (b) of sub-section (3) shall be issued, within two months from the date of receipt by the appropriate planning authority of the operation referred to in said sub-section or where no such option has been exercised from the date before which such option ought to have been exercised.

68. *Limitation of compensation in certain cases.*—(1) Where a person is entitled to compensation under this Act in respect of any matter or thing, and he would be entitled to compensation in respect of the same matter or thing under any other Act, he shall not be entitled to compensation in respect of that matter or thing under both the Acts, nor shall be entitled to any larger compensation under this Act than he would be entitled to under the other Act.

(2) The planning authority concerned who has been ordered to pay any compensation to any person under section 67 may, within three months from the date of communication of any order of payment of the compensation in respect of property injuriously affected, make an application to the Government to sanction, the withdrawal or modification of all or any of the provisions of any development plan, or the cancellation or the variation or revocation of the development plan which gave rise to the claims for compensation and give notice of such application to the owner of such property.

(3) If the Government accord such sanction, the order of compensation shall stand cancelled, and the planning authority concerned shall pay the costs, if any, ordered by the Tribunal in connection with the claim for compensation.

(4) Nothing contained in this section shall affect the right of the owner of the property to make a fresh claim for compensation in respect of any modified development plan sanctioned by the Government under sub-section (3) provided his property is proved to be injuriously affected by such modified development plan.

(5) No order of compensation in respect of property injuriously affected shall be enforceable within three months from the date thereof, or, if notice has been given under sub-section (2), pending the orders of the Government on the application made under the said sub-section.

Chapter X

APPEAL, REVISION AND REVIEW

69. *Appeal to the Chief Town Planner.*—(1) Any person objecting to any decision or order taken or passed by the planning authority under the provisions of Chapter VII may, within a period of two months from the date on

which the decision or order was communicated to him in the manner prescribed, appeal against such decision or order to the Chief Town Planner:

Provided that the Chief Town Planner may admit an appeal preferred after the expiration of the said period if he is satisfied that the appellant had sufficient cause for not preferring the appeal within the said period:

Provided further that no appeal shall be entertained under this sub-section unless it is accompanied by satisfactory proof of the payment of the development charges assessed by the planning authority.

(2) The appeal shall be in the prescribed form and shall be verified in the prescribed manner.

(3) In disposing of an appeal, the Chief Town Planner, may, after giving the appellant an opportunity of making his representation—

(a) in the case of an order of assessment of development charge,—

(i) confirm, reduce, enhance or annul such assessment;

(ii) set aside such assessment and direct the planning authority to make a fresh assessment after such further inquiry as may be directed; or

(iii) pass such other order as he may think fit; or

(b) in the case of any other order or decisions; confirm, cancel, or vary such order or decision:

Provided that at the hearing of any appeal against an order or decision of the planning authority, the planning authority shall have the right to be heard.

(4) Where as a result of the appeal any change becomes necessary in the order or decision appealed aganist, the Chief Town Planner may authorise the planning authority to amend such order or decision accordingly and on such amendment being made, any amount over paid by the appellant shall be refunded to him without interest or the further amount of development charges, if any, due from him shall be collected in accordance with the provisions of this Act, as the case may be.

(5) The Chief Town Planner may pass such interlocutory orders pending decision on the appeal as the Chief Town Planner may deem fit.

(6) The Chief Town Planner may award costs in proceedings under this section to be paid either out of the fund account or by such party to the appeal as the Chief Town Planner may deem fit.

70. *Appeal to the Tribunal.*—(1) Any person objecting to an order passed by the Chief Town Planner under sub-section (3) of section 69 may,

within a period of two months from the date on which the order was communicated to him in the manner prescribed, appeal against such order to the Tribunal:

Provided that the Tribunal may admit an appeal preferred after the expiration of the said period if it is satisfied that the appellant had sufficient cause for not preferring the appeal within the said period.

(2) The appeal shall be in the prescribed form and shall be verified in the prescribed manner and shall be accompanied by such fee not exceeding two hundred and fifty rupees as may be prescribed.

(3) In disposing of an appeal, the Tribunal may, after giving the appellant an opportunity of making his representation confirm, cancel or vary the order or decision of the Chief Town Planner:

Provided that at the hearing of any appeal against an order or decision of the Chief Town Planner the planning authority concerned shall have the right to be heard.

(4) Where as a result of the appeal any change becomes necessary in the order or decision appealed against, the Tribunal may authorise the planning authority concerned to amend such order or decision accordingly and on such amendment being made any amount overpaid by the appellant shall be refunded to him without interest, or the further amount of development charges, if any, due from him shall be collected in accordance with the provisions of this Act as the case may be.

(5) The Tribunal may pass such interlocutory orders pending the decision on the appeal, as the Tribunal may deem fit.

(6) The Tribunal may award costs in proceedings under this section to be paid either out of the fund account or by such party to the appeal, as the Tribunal may deem fit.

71 *Revision by District Court.*—The District Court may, of its own motion or on application, call for and examine the record of any Tribunal in respect of any proceeding under this Chapter to satisfy itself as to the regularity of such proceeding or the correctness, legality or propriety of any decision, or order passed thereon and if, in any case, it appears to the District Court that any such proceeding decision or order should be modified, annulled or reversed or remitted for reconsideration, it may pass orders accordingly:

Provided that the District Court shall not pass any order prejudicial to any party unless such party has been given an opportunity of being heard.

72. *Appeal to prescribed authority.*—(1) Any person aggrieved by any decision or order of the planning authority under sub-section (4) of section 43 or sub-section (1) of section 46 or by a notice under sub-section (1) of section 51 may appeal to the prescribed authority.

(2) An appeal under sub-section (1) shall be preferred within two months from the date on which the decision or order was communicated to him in the manner prescribed, but the prescribed authority may admit an appeal preferred after the said period of two months if it is satisfied that the appellant had sufficient cause for not preferring the appeal within the said period.

(3) In disposing of an appeal the prescribed authority may, after giving the parties an opportunity of making their representations, pass such order thereon as the prescribed authority may deem fit.

(4) The decision or order of the prescribed authority on such appeal shall be final.

(5) The prescribed authority may pass such interlocutory orders pending decision on such appeal as the prescribed authority may deem fit.

(6) The prescribed authority may award costs in proceedings under this section to be paid either out of the fund account or by such party to such appeal as the prescribed authority may deem fit.

73. *Revision.*—(1) The Chief Town Planner may, of his own motion or an application, call for and examine the record of any officer subordinate to him in respect of any proceeding, not being a proceeding in respect of which any appeal or revision or review is provided by section 69, 70 and 71, to satisfy himself as to the regularity of such proceeding or the correctness, legality or propriety of any decision or order made therein, and, if in any case, it appears to the Chief Town Planner that any such decision or order should be notified, annulled, reversed or remitted for reconsideration, he may pass orders accordingly:

Provided that every application to the Chief Town Planner or the Government for the exercise of the powers under this section shall be preferred within three months from the date on which the proceeding, decision or order to which the application relates was communicated to the applicant.

(2) No order prejudicial to any party shall be passed under sub-section (1) unless such party has been given an opportunity of making his representation.

(3) The Chief Town Planner or the Government, as the case may be, may suspend the execution of the decision or order pending the exercise of his or their power under sub-section (1) in respect thereof.

(4) The Chief Town Planner or the Government may award costs in proceedings under this section to be paid either out of the fund account or by such party to the application for revision as the Chief Town Planner or the Government may deem fit.

74. *Review.*—(1) The appellant or the applicant for revision or the respondent may apply for the review of any order passed under sections 69, 70, 71 and 73 on the basis of the discovery of new and important facts which,

after the exercise of due diligence, were not then within his knowledge or could not be produced by him when the order was made or on the basis of some mistake or error apparent on the face of the record or for any other sufficient reason:

Provided that no application for review shall be presented more than once in respect of the same order.

(2) Every application for review shall be presented within such time and in such manner as may be prescribed.

(3) The decision or order passed on the application for review shall be final.

(4) The authority competent to pass orders on the application for review may pass such interlocutory orders pending decision on the application for review as it may deem fit.

(5) The authority referred to in sub-section (4) may award costs in proceedings under this section to be paid either out of the fund account or by such party to the application for review as it may deem fit.

75. *Execution of orders passed in appeal, revision or review.*—Any order passed by the Chief Town Planner, the Tribunal, the District Court, the Government or the prescribed authority under the provisions of this Chapter shall be enforced by such authority and in such manner as may be prescribed.

CHAPTER XI

PENALTIES

76. *General provisions regarding penalties specified in the Schedules.*—(1) Whoever—

(a) contravenes any provision of any of the sections specified in the first column of Schedule I, or

(b) contravenes any rule or order made under any of the specified sections, or

(c) fails to comply with any direction lawfully given to him or any requisition lawfully made upon him under or in pursuance of the provisions of any of the said sections.

shall on conviction be punishable with fine which shall not be less than the amount specified in the fourth column of the said schedule and not more than two thousand rupees.

(2) Whoever after having been convicted of—

(a) contravening any provision of the sections specified in the first column of Schedule II, or

(b) contravening any rule or order made under any of the specified sections, or

(c) failing to comply with any direction lawfully given to him or any requisition lawfully made upon him under or in pursuance of any of the said sections,

continues to contravene the said provision or to neglect to comply with the said direction or requisition, as the case may be, shall on conviction be punishable for each day after the previous date of conviction during which he continues so to offend with fine which shall not be less than the amount specified in the fourth column of the said Schedule and not more than two hundred rupees.

Explanation.—The entries in the third column of Schedules I and II under the heading "subject" are not intended as strict definitions of the offences described in the sections or sub-sections mentioned or even as abstracts of those sections or sub-sections but are inserted merely as indications of the offences and also as references to the subject of the sections, or sub-sections, as the case may be.

77. *Disobedience of summons, requisitions, etc., and refusal to give information, etc.*—Whoever—

(a) wilfully or without any reasonable excuse, disobeys any summons requisition or other lawful order or direction issued under or in pursuance of any of the provisions of this Act; or

(b) resists or obstructs any officer or authority in the exercise of any power conferred on, or in the discharge of any duty imposed upon, or in the performance of any function entrusted to, such officer or authority by or under any of the provisions of this Act; or

(c) being required by or under any of the provisions of this Act to make any return or to furnish any information—

(i) makes a false return or furnishes false information, or

(ii) wilfully, withholds or fails to furnish information,

shall be punishable with imprisonment for a term which may extend to six months, or with fine which shall not be less than fifty rupees but which may extend to one thousand rupees, or with both.

78. *General provision for punishment of offences.*—Whoever contravenes any of the provisions of this Act, or of any rule or regulation made or scheme sanctioned thereunder shall, if no other penalty is provided for such contravention, be punishable—

(a) for the first offence, with fine which shall not be less than ten rupees but which may extend to one hundred rupees; and

(b) for a second or any subsequent offence with fine which shall not be less than twenty rupees but which may extend to two hundred rupees.

79. *Offences by companies* —(1) Where an offence punishable under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to the company for the conduct of the business of the company, as well as the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence punishable under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of or is attributable to any negligence on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanations —For the purposes of this section, "director" in relation to a firm means a partner in the firm.

80. *General provision for punishment for breach of provisions of the development plan.*—(1) Where a development plan sanctioned under this Act has provided that any peson who commits or knowingly permits a breach of any specified provision of such plan or who neglects or fails to comply with any such provision shall be punishable under this section, the planning authority concerned shall send to any person who commits or knowingly permits a breach of any such provision or such plan or neglects or fails to comply with any such provision a notice calling upon him to discontinue the breach or cause it to be discontinued or to comply with such provision of such plan.

(2) If after the expiry of one month from the date of receipt of the notice by such person under sub-section (1), the breach or neglect or failure continues, such person shall, on conviction, be punishable—

(i) with fine which may extend to two thousand rupees, and

(ii) if the breach, neglect or failure continues after such conviction, with fine which may extend to twenty-five rupees for every day during which the breach, neglect or failure continues after such conviction,

81. *Cognizance of offences*.—(1) No court shall take cognizance of any offence punishable under this Act or any rule or regulation made thereunder except upon a complaint in writing of the facts constituting such offence made by the planning authority or by a person expressly authorised in this behalf by the planning authority within three months from the date of the commission of the offence:

Provided that nothing contained in this sub-section shall affect the provisions of the Code of Criminal Pocedure, 1973 (Central Act 2 of 1974), in regard to the power of certain magistrates to take cognizance of offences upon information received or upon their own knowledge or suspicion.

(2) No court inferior to that of a judicial Magistrate of the First Class shall try any offence punishable under this Act.

CHAPTER XII

MISCELLANEOUS

82. *Power of Government to call for records and pass orders*.—(1) The Government, may, of their own motion or on application call for and examine the record of any officer or authority in respect of any proceeding to satisfy themselves as to the regularity of such proceeding or the correctness, legality or propriety of any decision passed or order made, there in and if, in any case, it appears to the Government that any such decision or order should be modified, annulled, reversed or remitted for reconsideration, they may pass orders accordingly:

Provided that the Government shall not pass any order prejudicial to any person unless he has had a reasonable opportunity of making his representation.

(2) No application to the Government for the exercise of their power under sub-section (1) shall be made—

(a) in respect of any proceeding of any officer or authority or of any decision passed or order made in any such proceeding unless an appeal, revision or review had already been preferred in respect of such proceeding, decision or order under this Act and sucb appeal, revision or review had been disposed of; or

(b) after tbe expiry of such period as may be prescribed.

(3) The Government may suspend the execution of any decision or order pending the exercise of their power, under sub-section (1) in respect thereof,

83. *Delegation of powers.*—The Government may, by notification, authorise any officer or authority to exercise any of the powers vested in them or any authority subordinate to the Government by this Act except the power of the Government to make rules and may, in like manner withdraw such authority.

(2) The exercise of any power delegated under sub-section (1) shall be subject to such restrictions and conditions as may be specifed in the notification and also to control and revision by the Government.

(3) The Government shall also have power to control and revise the acts and proceedings of any officer authorised under sub-section (1).

84. *Power of Government to issue orders and directions.*—The Government may issue to the planning authority or any other authority or officer (not being the Tribunal or any other appellate authority) such orders and directions as in their opinion are necessary or expedient for carrying out the purposes of this Act and such planning authority or other authority or officer shall give effect to all such orders and directions.

85. *Consultation with other authorities.*—The Government, the planning authority or any other authority or officer, may at their, its or his discretion, consult such authority or officer, as may be prescribed, in exercising any power or discharging any duty or performing any function under or in pursuance of this Act.

86. *Extension of the period of preferring claim, appeal or application.*—Any claim under section 34 or any appeal under sections 69 or any revision under section 73 or any application for review under section 74, may, notwithstanding anything contained in those sections, be admitted after the period specified for preferring such claim, appeal or revision or making such application for review, if the claimant, appellant or applicant satisfies the Tribunal, Chief Town Planner or the District Court, as the case may be, that he had sufficient cause for not preferring the claim or appeal or revision or making the application for review within such period.

87. *Application of certain provisions of the Limitation Act,* 1963.—The provisions of section 4 and sub-section (1) and sub-section (2) of section 12 of the Limitation Act, 1963 (Central Act 36 of 1963), shall, so far as may be, apply to any appeal under sections 69, 70 and 72 or revision under section 73 or any claim under section 34 or any application for review under section 74 of this Act.

88. *Duties of police officers.*—It shall be the duty of every police officer—

(a) to co-operate with the planning authority for carrying into effet and enforcing the provisions of this Act or any rule or regulation made thereunder;

(b) to communicate without delay to the proper officer or servant of the planning authority any information which such police officer receives of a design to commit, or of the commission of, any offence against this Act or any rule or regulation made thereunder; and

(c) to assist the planning authority or any officer or servant of the planning authority reasonably demanding the aid of such police officer for the lawful exercise of any power vesting in the planning authority or any such officer or servant under this Act or any rule or regulation made thereunder.

89. *Duties of village officers.*—It shall be the duty of every village officer and his staff—

(a) to prevent the destruction, removal, alteration or displacement of, or damage or injury to, or tampering with any survey work, or any mark showing the planning boundary or control-line; and

(b) when he becomes aware that any such mark has been destroyed, removed, altered, displaced, damaged, injured or tampered with, to report the fact to the nearest planning authority or to the proper officer or servant of such planning authority.

90. *Power regarding discovery, production of evidence, etc.*—(1) The planning authority or any officer authorised in this behalf by the Government shall, for the purpose of this Act, have the same powers as are vested in a court under the Code of Civil Procedure, 1908 (Central Act 5 of 1908), when trying a suit, in respect of the following matters, namely:—

(a) discovery and inspection;

(b) enforcing the attendance of any person and examining him on oath;

(c) compelling the production of books of account and other documents; and

(d) issuing commissions.

(2) Any person summoned merely to produce a document shall be deemd to have complied with the summons if he causes such document to be produced instead of attending personally to produce the same.

91. *Registration of document, plan or map in connection with development plan not necessary.*—Nothing contained in the Registration Act, 1908 (Central Act 16 of 1908) shall be deemed to require the registration of any document, plan or map prepared, made or sanctioned in connection with any development plan which has come into force and any such document, plan or mad shall for the purposes of sections 48, 49 and 50 of that Act, be deemed to have been duly registered in accordance with the provisions of that Act:

Provided that the documents, plans and maps relating to the development plans shall be accessible to the public in the manner prescribed.

92. *Members, Officers and servants of Board, Committees, planning authorities and Tribunal to be public servants.*—All members, officers and servants of the Board

and the planning authorities, the members of committees, the Tribunal and all other persons entrusted with the execution of any function under this Act shall be deemed when acting or purporting to act in pursuance of any of the provisions of this Act or the rules or regulations made thereunder, to be public servants within the meaning of section 21 of the Indian Penal Code (Central Act 45 of 1860).

93. *Bar of jurisdiction of courts.*—Any decision or order of the Tribunal or the Government or the Planning authority or other authority or of any officer under this Act shall, subject to any appeal or revision or review provided under this Act, be final and shall not be liable to be questioned in any Court of law.

94. *Indemnity.*—(1) No suit or other proceeding shall lie against the Government for any act done or purporting to be done under or in pursuance of this Act.

(2) (a) No suit, prosecution or other proceeding shall lie against any planning authority or other authority or officer or person for any act done or purporting to be done under or in pursuance of this Act, or the rules or regulations made thereunder without the previous sanction of the Government.

(b) No planning authority or other authority or officer or person shall be liable in respect of any such act in any civil or criminal proceeding, if the act was done in good faith in the exercise of the powers conferred, or discharge of the duties imposed or performance of the functions entrusted, by or under this Act or the rules or regulations made thereunder.

(3) No suit, prosecution or other legal proceeding shall be instituted against any planning authority or other authority or officer or person for any act done or purporting to be done under or in pursuance of this Act or the rules or regulations made thereunder after the expiration of six months from the date of the act complained of.

95. *Validation of acts and proceedings.*—(1) No act done or proceedings taken under this Act shall be questioned on the ground merely of—

(a) the existence of any vacancy in, or any defect in the constitution of, the Board or any planning authority;

(b) any person having ceased to be a member of the Board or any planning authority;

(c) any person associated with any planning authority under section 14 having voted in contravention of the said sections; or

(d) the failure to serve a notice on any person, where no substantial injustice has resulted from such failure; or;

(e) any omission, defect or irregularity not affecting the merits of the case.

(2) Every meeting of the Board or any planning authority, the minutes of the proceedings of which have been duly signed as prescribed shall be taken to have been duly convened and to be free from all defects and irregularities.

96. *Returns and reports.*—The Board, or the planning authority or an officer of the Board or the planning authority shall furnish to the Government such returns, statistics, accounts and other information as the Government may, from time to time, require.

97. *Act to over-ride contract and other laws.*—Save as otherwise provided in this Act, the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law, custom, usage or contract.

98. *Power of entry, etc.*—For the purposes of making and execution of any development plan, the planning authorities or the persons appointed by the Government under this Act, their subordinates and contractors shall have the same power to enter upon, survey and set up marks upon any land or building and to do all acts necessary for such purposes subject to the same conditions and restrictions as provided for municipal purposes and persons interfering with the exercise of such powers by the planning authorities or persons appointed by the Government, their subordinates or contractors shall be liable to the same penalties.

99. *Service how to be effected.*—When any notice, bill or other document is required by this Act, or any rule or regulation made thereunder to be served upon or issued or presented to any person, such service, issue or presentation shall be effected,—

(a) by giving or tendering the said document to such person; or

(b) if such person is not found, by leaving such document at his last known place of abode, or by giving or tendering the same to some adult member or servant of his family; or

(c) if his address elsewhere is known by forwarding such document to him by registered post under a cover bearing the said address; or

(d) if none of the means aforesaid is available, by causing a copy of such document to be affixed on some conspicuous part of the land or building, if any, to which the document relates.

100. *Public notices how to be made known.*—Every public notice given under this Act or any rule or regulation made thereunder shall be in writing over the signature of such officer who may be authorised in this behalf by the appropriate planning authority and shall be widely made known in the locality to be affected thereby, by affixing copies thereof in conspicuous public places within the said locality, or by advertisement in leading daily newspapers or by both and by any other means that the appropriate planning authority may think fit.

101. *Notice etc., to fix reasonable time.*—Where any notice, order or other document issued or made under this Act or any rule or regulation made thereunder requires anything to be done for the doing of which no time is fixed in this Act or the rules or regulations made thereunder, the notice, order or other document shall specify a reasonable time for doing the same.

102. *Authentication of orders and documents of Board and planning authority.*—All permissions, orders, decisions, notices and other documents of the Board and any planning authority shall be authenticated by the signature of the Secretary to the Board, or the Chairman of the planning authority or such other officers as may be authorised by the Board, or the planning authority in this behalf.

103. *Effect of other laws.*—(1) Save as otherwise provided in this Act, the provisions of this Act and the rules and regulations made thereunder shall have effect notwithstanding anything inconsistant therewith contained in ny other law.

(2) Notwithstanding anything contained in any other law,—

(a) when permission for development in respect of any land or building has been obtained under this Act, such development shall not be deemed to be unlawfully undertaken or carried out by reason only of the fact that permission, approval, or sanction required under such other law for such development has not been obtained;

(b) when permission for such development has not been obtained under this Act, such development shall not be deemed to be lawfully undertaken or carried out by reason only of the fact that permission, approval or sanction required under such other law for such development has been obtained.

104. *Dissolution of planning authority.*—(1) Where the Government are satisfied that the purpose for which any planning authority was established under this Act has been substantially achieved so as to render the continued existence of the planning authority unnecessary the Government may, by notification, declare that the planning authority shall be dissolved with effect from such date as may be specified in notification and the planning authority shall be deemed to be dissolved accordingly.

(2) From the said date—

(a) all properties funds and dues which are vested in, or realisable by the planning authority shall vest in or be realisable by the Government;

(b) all liabilities which are enforceable against the planning authority shall be enforceable against the Government; and

(c) for the purpose of realising properties, funds and dues referred to in clause (a) the functions of the planning authority shall be d..-charged by the Government.

105. *Exemptions.*—Notwithstanding anything contained in this Act, the Government may, subject to such conditions as they deem fit, by notification exempt any land or building or class of lands or buildings from all or any of the provisions of this Act or the rules or regulations made thereunder.

106. *Adjudication of disputes between planning authorities.*—Where any dispute exists between planning authorities in regard to any matter arising under the provisions of this Act or the rules or regulations made thereunder or any other law and the Government are of opinion that the planning authorities concerned are unable to settle it amicably among themselves, the Government may take cognizance of the dispute and decide it themselves and the decision of the Government thereon shall be final.

107. *Execution of work by occupier in default of owner.*—If the owner of any building or land fails to execute any work which he is required to execute under the provisions of this Act or of any rule, regulation or order made thereunder or of any development plan prepared under this Act, the occupier of such building or land may in compliance with such directions as may be given in this behalf by the planning authority concerned execute the said work and shall be entitled to recover from the owner reasonable expenses incurred in the execution thereof and may deduct the amount thereof from the rent then or thereafter due by him to the owner.

108. *Power of police officers to arrest persons.*—(1) If any police officer not below the rank of a head constable sees any person committing an offence against any of the provisions of this Act or of any rule or regulation or order made thereunder, he shall if the name and address of such person are unknown to him, and if the said person on demand declines to give his name and address or gives name and address which such officer has reason to believe to be false arrest such person.

(2) No person arrested under sub-section (1) shall be detained in custody—

(a) after his true name and address are ascertained or

(b) without the order of a Magistrate for any longer time, not exceeding twenty-four hours from the hour of arrest, than is necessary for bringing him before a Magistrate.

109. *Government or persons appointed by them may exercise power or perform duty conferred or imposed on planning authority and disbursement of expenses.*—(1) If in the opinion of the Government, any planning authority is not competent to exercise or perform, or neglects or fails to exercise or perform, any power conferred or duty imposed upon it by or under any of the provisions of this Act, or any rule or regulation made thereunder the Government or any person or persons appointed in this behalf by the Government may exercise such power or perform such duty.

(2) Any expense incurred by the Government or by such person in exercising such power or performing such duty shall be paid out of the funds of the planning authority concerned, and if the planning authority concerned fails to pay the expenses, then the Government may make an order directing any person who for the time being has custody of any such funds to pay such expenses from such funds, and such person shall be bound to obey such order.

110. *Special provision in case of dissolution etc., of local authority which is a planning.*—Where any local authority which is a planning authority under this Act has been dissolved or superseded and in its place any person has been appointed to carry on the administration of such local authority under any law for the time being in force relating to such local authority, then, notwithstanding anything contained in this Act or in any other law for the time being in force relating to such local authority, the person so appointed in the place of such local authority shall be deemed to be a planning authority for the purpose of this Act until such local authority has been duly reconstituted under such law relating to such local authority.

111. *Power of planning authority to make agreements.*—A planning authority shall be competent to make any agreement with any person in respect of any matter which is to be provided for in any development plan subject to the powers of the Government to modify or disallow such agreement, and, unless it is otherwise expressly provided therein, such agreement shall take effect on and after the day on which the said plan comes into force.

112. *Powers of planning authorities in areas within the jurisdiction of local authorities.*—When any area within the jurisdiction of any local authority is comprised in any development plan made or intended to be made by any planning authority, then, notwithstanding anything contained in any law for the time being in force relating to such local authority, the planning authority shall exercise in connection with such development plan all the powers conferred upon it by this Act or any rule or regulation made thereunder or the said development plan and the local authorities concerned shall be bound to give all information that may be required by the planning authority for the purposes of this Act or any rule or regulation made thereunder or the said development plan and to do nothing that will obstruct the lawful exercise of the powers of the planning authority thereunder.

113. *Transfer of proceeding from one planning authority to another.*—(1) The Government may, by notification and from a date to be specified in such notification, transfer any proceedings commenced under this Act in respect of any land or building by any planning authority having jurisdiction to any other planning authority having jurisdiction over such land or building.

(2) Before issuing a notification under sub-section (1), the Government shall communicate to the planning authorities affected, the grounds on which they propose to make the transfer, fix a reasonable period for them to show cause against the proposal and consider their objections, if any.

(3) The Planning authority to whom a transfer of proceedings is made under sub-section (1), may continue such proceedings from the stage which they had reached on the date specified in the notification.

(4) When making a transfer of proceedings under sub-section (1), the Government may direct the planning authority to whom the transfer is made to reimburse the planning authority from whom the transfer is made the net expenditure which the last mentioned planning authority may up to the date of such transfer, have incurred on such proceedings.

(5) From the date specified in the notification under sub-section (1) all rights and assets which, for the purposes of the proceeding transferred by such notification, vested in, and all obligations and liabilities which for the same purposes are enforceable against, the planning authority from whom the transfer is made, shall vest in or be enforceable against the planning authority to whom the transfer is made.

Chapter XIII

RULES AND REGULATIONS

114. *Power to make rules.*—(1) The Government may by notification make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the forgoing power, such rules may provide for—

(i) the functions and powers of the Board and planning authorities;

(ii) the term of office and conditions of service and the manner of filling casual vacancies of the members of the Board (other than the Chairman and official members of Board) and the non-official members including the chairmen of the planning authorities;

(iii) the qualifications and disqualifications for being chosen as, and for being members of the Board or planning authorities;

(iv) the time and place of holding and the procedure to be followed in the meetings of the Board;

(v) the functions, powers and duties of the Chief Town Planner;

(vi) the manner of nomination of representatives of local authorities in the planning authorities;

(vii) the manner in which and the purpose for which any planning authority may associate with itself any person under section 14;

(viii) the control and restriction in relation to the appointment of officers and other servants of the planning authorities;

(ix) the time within which the Government or the Chief Town Planner is to direct modification in or to give consent for the publication of the notice of preparation of and approval to any development plan;

(x) the form and contents of the regional plan, area development plan and detailed development plan and the procedure to be followed in connection with the preparation, submission and approval of such plans and the form and manner of publication of the notice relating to such plans;

(xi) the form in which any application for permission for development shall be made, the particulars to be furnished in such application and documents and plans which shall accompany such application;

(xii) the form of registration of application and the particulars to be contained in such form;

(xiii) the manner of filing, and the fees to be paid for, and the procedure to be followed in appeals;

(xiv) the time within which claim for compensation under section 45 is to be made and the procedure to be followed for assessment of such compensation;

(xv) the procedure for the levy of development charges and exemption from such levy on any development or institution or change of any use of any land or building;

(xvi) the prescription, calculation, assessment and collection of the development charges;

(xvii) the form of the budget of planning authorities, the date on or before which it shall be prepared, the manner of preparing it, the number of copies that have to be sent to the Chief Town Planner;

(xviii) the form of the annual statement of accounts and balance sheet of planning authorities;

(xix) the form of the annual report of the Board and the date on or before which it shall be submitted to the Government;

(xx) the form of the annual report of planning authorities and the date on or before which it shall be submitted to the Chief Town Planner;

(xxi) the manner of the constitution of provident funds for the whole-time paid members and officers and other servants of planning authorities and the conditions subject to which such funds may be constituted;

(xxii) the specification of particulars of works or improvements relating to streets or roads provided for in any development plan that have to be made or carried out at the expense of the planning authority, the owners of the property or both;

(xxiii) the procedure to be adopted by the planning authority or any other authority or person, in cases where owners commit default or delay the carrying out of works of improvements, for carrying out each works or improvements, and for recovering the cost from the owner liable therefor;

(xxiv) the procedure to be adopted for securing co-operation on the part of the planning authorities with the owners or persons interested in property proposed to be comprised in any development plan by such means as may be expedient, the summoning, presiding and procedure of such conferences and all such matters;

(xxv) the manner in which all documents and plans prepared under this Act shall be made accessible to the public and the documents of which copies may be granted and the fees for such copies;

(xxvi) the regulation of the procedure to be followed by the Tribunal;

(xxvii) the sanitary principles and building regulations to be observed in drawing up any development plan;

(xxviii) any other matter which has to be or may be prescribed.

(3) In making any rule, the Government may provide that a breach thereof shall be punishable with fine which may extend to one hundred rupees.

115. *Rules to be placed before the Legislature.*—Every rule made under this Act shall be laid as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions and if, before the expiry of the session in which it is so laid or the session immediately following the Legislative Assembly makes any modification in the rule or decides that the rule should not be made the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

116. *Power to make regulations.*—(1) Any planning authority may, with the previous approval of the Government, make regulations, not inconsistent with this Act and the rules made thereunder for enabling it to perform its functions under this Act or the rules made thereunder.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for—

(a) the time and place of meetings of the planning authority, the procedure to be followed in regard to transaction of business at such meeting and the quorum necessary for the transaction of business at a meeting;

(b) the powers and duties of the officers and servants of the planning authority;

(c) the salaries, allowance and conditions of service of officers and servants of the planning authority;

(d) the terms and conditions for the continuance of use of any land used otherwise than in conformity with a development plan;

(e) the maintenance of minutes of the planning authority and the transmission of copies thereof to the Government;

(f) the person by whom and the manner in which payments, deposits and investments may be made on behalf of the planning authority;

(g) the custody of moneys required for the current expenditure of the planning authority and investment of moneys not so required;

(h) the maintenance of accounts;

(i) any other matter for which regulation may be necessary.

(3) The Government may, by notification, rescind any regulation made under this section and thereupon the regulation shall cease to have effect.

CHAPTER XIV

117. *Repeal and saving.*—The Madras Town Planning Act, 1920 (Madras Act VII of 1920) as in force in the Malabar district referred to in sub-section (2) of section 5 of the States Reorganisation Act, 1956 (Central Act XXXVII of 1956), the Town Planning Act, 1108 (Act IV of 1108), and the Travancore Town and Country Planning Act, 1120 (Act XXI of 1120) are hereby repealed.

(2) Notwithstanding such repeal—

(a) anything done or any action taken including any appointment or delegation made, notification, order, instruction or direction issued, rule, regulation or scheme framed, certificate, permit or license granted or registration effected under any of the said Act shall be deemed to have been done or taken under the corresponding provisions of this Act and shall continue in force accordingly, unless and until superseded by anything done or any action taken under this Act; and

(b) the betterment fee in respect of any land which any local authority was, immediately before the commencement of this Act, entitled to levy, assess and recover under any of the said Acts, may be levied, assessed and recovered, by the local planning authority concerned under that Act as if this Act had not been passed.

SCHEDULE I

(*See* section 76)

Section	*Sub section*	*Subject*	*Penalty*
			Rs.
42		Failure to use and develop the land in conformity with the development plan	200
43	(1)	Carrying out any development or instituting or changing any use of any land without permission	100
43	(4)	Failure to apply for permission	50
43	(8)	Carrying out development or instituting or changing any use of land in contravention of any condition subject to which such permission has been granted	100
46	(1)	Carrying out development or instituting or changing any use of land after the permission for development has been revoked.	100
46	(1)	Carrying out development or instituting or changing any use of any land in contravention of the permission which has been notified	100
48		Failure to comply with the notice for removal of unauthorised development	150
49		Failure to restore property to original state where it is dealt with in contravention of any development plan or without permission or not in accordance with any permission after the publication of a regional plan or an area development plan or after the publication of the resolution to prepare a detailed development plan	200
50		Failure to comply with the notice to stop unauthorised development	150
51		Failure to comply with the notice to stop authorised development	100
56		Failure to pay development charge	50
98		Obstruction to the exercise of the power of entry by the Government servants or the servants of the planning authorities	100

SCHEDULE II

(*See* section 76)

Section	*Sub section*	*Subject*	*Penalty*
			Rs.
42		Failure to use and develop the land in conformity with the development plan	50
43	(1)	Carrying out any development or instituting or changing any use of any land without permission	25
43	(4)	Failure to apply for permission	10
43	(6)	Carrying out development or instituting or changing any use of land in contravention of any condition subject to which such permission has been granted	25
46	(1)	Carrying out development or instituting or changing any use of land after the permission for development has been revoked	20
46	(1)	Carrying out development or instituting or changing any use of any land in contravention of the permission which has been modified	20
48		Failure to comply with the notice for removal of unauthorised development	30
49		Failure to restore property to original state where it is dealt in contravention of any development plan or without permission of any development plan or without permission or not in accordance with any permission after the publication of a regional plan or the area development plan or after the publication of the resolution to prepare a detailed development plan	50
50		Failure to comply with the notice to stop unauthorised development	50
51		Failure to comply with the notice to stop authorised development	25
56		Failure to pay development charge	10
98		Obstruction to the exercise of the power of entry by the Government servants or the servants of the planning authorities.	25

STATEMENT OF OBJECTS AND REASONS

The law relating to town and country planning in force in the State is contained in the Town Planning Act, 1108, which is in force in the Travancore-Cochin area of the State, the Madras Town Planning Act, 1920, which is in force in the Malabar area of the State, and the Travancore Town and Country Planning Act, 1120 which is in force in the Travancore area of the State. It is considered necessary to enact a uniform law on the subject applicable to the whole of the State.

2. The enactments mentioned above do not provide for planning the development and use of rural and urban lands in accordance with the modern concepts of planning and development. It is therefore proposed to make necessary provisions for the purpose in the unified law.

3. The Bill seeks to achieve the above objects.

FINANCIAL MEMORANDUM

Clause 57 of the Bill seeks to empower the Government to constitute a State Town and Country Planning and Development Fund for the purpose of furthering the town and country planning functions under the proposed legislation. The Government may from time to time allocate moneys from the Consolidated Fund of the State to this fund. Moneys from this fund may be advanced by the Government as grants or loans to the planning authorities for the performance of their functions. The expenditure from the fund will also be initially met from the provision made in the budget every year, taking credit for corresponding "Part III—Recovery" from the Fund, so as to subject the expenditure to legislative control. It cannot be estimated at present as to what would be the exact amount of expenditure to be incurred from the Consolidated Fund on this account.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub-clause (3) of clause 1 seeks to empower the Government to bring the Act into force on such date as they may, by notification in the Gazette, appoint and to appoint different dates for different areas and for different provisions of the Act.

Sub-clause (4) of clause 5 seeks to empower the Government to prescribe the term of office and the manner of filling casual vacancies among the members of the Board.

Clause 6 seeks to empower the Government to make rules and issue directions subject to which the Board shall perform its functions and also to assign to the Board such other functions as are not specified in that clause.

Sub-clause (3) of clause 10 seeks to empower the Government to declare any area to be a regional planning area or a local planning area. Sub-clause (4) seeks to empower the Government to amalgamate two or more regional planning areas or local planning areas into one such area or sub-divide a regional planning area or local planning area into different such areas and constitute them as separate planning areas or local planning areas or include any such sub-divided areas in any other regional planning area or local planning area. Sub-clause (5) seeks to empower the Government to direct, by notification in the Gazette, that any of the rules and orders made, regulations and directions issued and powers conferred under the Act and in force in any regional planning area or local planning area with which or in which any other area is amalgamated or included shall apply to the area so amalgamated or included under sub-clause (4), to such extent and subject to such modifications, additions and restrictions, as may be specified in such notification. Sub-clause (6) seeks to empower the Government to frame a scheme, declaring that the assets and liabilities of the concerned planning authorities shall vest in the amalgamated planning authority or as the case may be, determining what portions of the assets and liabilities of the concerned planning authorities whose areas are sub-divided shall vest in the planning authorities constituted for each sub-division or in the planning authorities in whose area the sub-divided areas are included.

Sub-clause (1) of clause 11 seeks to empower the Government to constitute, as soon as may be after the declaration of a regional planning area or a local planning area, an authority called the regional planning authority or the local planning authority or the special development authority, as the case may be, for that area for the purpose of the performance of the functions assigned to them under the Act. The proviso to that sub-clause also seeks to empower the Government to declare a local authority as the local planning authority for that area where the local planning area consists of the area under the jurisdiction of a single local authority and the Government are of opinion that the local authority has the necessary capacity and resources. Sub-clause (8) of clause 11 seeks to empower the Government to prescribe the term of office and the manner of filling casual vacancies among the members of each of the authorities referred to above.

Clause 12 seeks to empower the Government to make rules subject to which a regional planning authority, a local planning

authority or a special development authority shall perform the functions specified in the clause.

Sub-clause (1) of clause 14 seeks to empower the Government to prescribe the manner in which and the purposes for which the appropriate planning authority may associate with itself any person whose assistance or advice it may consider necessary in performing any of its functions under the Act.

Sub-clause (1) of clause 15 seeks to empower the Government to prescribe the time within which a regional planning authority shall, after consulting the Chief Town Planner, prepare and submit to the Government the regional plan for the regional planning area or any part of it. Item (j) of sub-clause (2) of that clause seeks to empower the Government to prescribe such other matters not specified in that sub-clause for which provisions may be made in the regional plan referred to in sub-clause (1).

Sub-clause (1) of clause 16 seeks to empower the Government to prescribe the time within which every local planning authority shall prepare a present land and building use map indicating the present use of lands and buildings in the planning area.

Sub-clause (1) of clause 17 seeks to empower the Government to prescribe the time within which a local planning authority shall, prepare and submit to the Government through the Chief Town Planner the Area Development Plan for the local planning area and such other area or areas contiguous or adjacent to the local planning area as the Government may direct to be included in the area development plan. Item (q) of sub-clause (2) of that clause seeks to empower the Government to prescribe such other matters not specified in that sub-clause for which provisions may be made in the area development plan.

Item (y) of clause 19 seeks to empower the Government to prescribe such other matters (not specified in the clause) for which provisions may be made in a detailed development plan.

Sub-clause (4) of clause 28 seeks to empower the Government to vary or revoke at any time, by notification in the Gazette, the regional plan, area development plan or a detailed development plan as the case may be, prepared and approved under the Act.

Sub-clause (1) of clause 34 seeks to empower the Government to prescribe the period within which a claim for compensation may be preferred before the tribunal by any person whose property has been injuriously affected by virtue of any of the provisions contained in any development plan made under the Act and the particulars to be furnished in such a claim.

Sub-clause (1) of clause 39 seeks to empower the Government to prescribe the conditions and limitations subject to which a special development authority may, for the promotion and execution of works in the development plan made under the Act, borrow money from the public or from any corporation owned or controlled by any State Government or by the Central Government. Sub-clause (2) of that clause seeks to empower the Government to prescribe the conditions and limitations subject to which a special development authority may, for the promotion and execution of works in the development plan made under the Act, enter into financial arrangements with any bank or other financial institutions approved by the Government or with the Life Insurance Corporation of India. Sub-clause (3) of that clause seeks to empower the Government to prescribe the conditions and limitations subject to which a special development authority may out of its funds, grant loans and advances as it may determine, to any co-operative society or to any institution or person for the construction or houses and buildings or other uses.

Clause 40 seeks to empower the Government to prescribe the procedure to be followed by a special development authority for transferring to a local authority or planning authority or statutory undertaker any part of its property under any agreement with that local authority or planning authority or statutory undertaker.

Sub-clause (5) of clause 43 seeks to empower the Government to prescribe by rules the documents and plans which shall be furnished by a department of the Central or the State Government or a local authority intending to carry out any development or institution or change of use of any land other than any operational construction. Sub-clause (11) of that clause seeks to empower the planning authority to prescribe by regulations the manner in which an order under sub-clause (10) shall be communicated to the applicant.

Sub-clause (1) of clause 45 seeks to empower the Government to prescribe the time within which and the manner in which an owner may claim from the planning authority, compensation for refusal to grant permission for carrying out any of the works specified in the sub-clause.

Sub-clause (2) of clause 46 seeks to empower the Government to prescribe the time within which and the manner in which an owner may claim from the planning authority compensation for the expenditure incurred in carrying out the works after the grant of the permission when such permission is revoked or modified by an order made under sub-clause (1). Sub-clause (3) seeks to

Sub-clause (1) of clause 104 seeks to empower the Government to declare, by notification in the Gazette, that a planning authority shall be dissolved with effect from such date as may be specified in the notification.

Clause 105 seeks to empower the Government to exempt, by notification in the Gazette, any land or building or class of lands or buildings from all or any of the provisions of the Act or the rules or regulaions made thereunder subject to such conditions as they deem fit.

Clause 114 seeks to empower the Government to make rules to carry out the purposes of the Act. The various matters in respect of which rules may be made are specified in sub-clause (2) of that clause.

Sub-clause (1) of clause 116 seeks to empower any planning authority to make regulations, with the previous approval of the Government, not inconsistent with the Act and rules made thereunder, for enabling it to perform its functions under the Act or the rules made thereunder. The various matters in respect of which regulations may be made by a planning authority are specified in sub-clause (2) of that clause. Sub-clause (5) seeks to empower the Government to rescind, by notification in the Gazette, any regulation made by a planning authority under sub-clause (1).

Matters in respect of which rules or regulations may be made or notifications or orders may be issued are of a routine or administrative nature or matters of detail. The delegation of legislative power is, thus, of a normal character.

C. M. SUNDARAM

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Government of Kerala
1983

Reg. No. KL/TV(N)/:



KERALA GAZETTE

EXTRAORDINARY

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GOVERNMENT OF KERALA

Public Works (D) Department

NOTIFICATION

No. 23515/D2/83/PW. *Dated, Trivandrum, 17th November 1983.*

S.R.O. No. 1692/83.—Whereas in exercise of the powers conferred by clause (1) of article 258 of the Constitution of India the President has in Notification No. 2/4/63/Judl. II dated 31-5-1963 entrusted the Government of Kerala with their consent, the functions of the Central Government under the Kerala Land Acquisition Act. 1961 (21 of 1962), in relation to the acquisition of lands for the purpose of the Union in the State of Kerala ;

And whereas, it appears to the Government of Kerala that the lands specified in the Schedule below are needed or are likely to be needed for a public purpose, to wit for construction of Calicut Bye-pass under NH17 from Mampuzha to Arapuzha;

Now, therefore, notice to that effect is hereby given to all whom it may concern, in accordance with the provisions of sub-section (1) of section 3 of the said Act.

Under sub-section (4) of section 19 of the said Act, the Government direct that in view of the urgency of the case, the provisions of section 5 of the Act shall not apply to this case.

33/5153/83/L.

SCHEDULE

District—Kozhikode. *Taluk*—Kozhikode.

Village—Olavanna.

Sl. No.	*Survey No.*	*Description*	*Extent in hectare.*
(1)	(2)	(3)	(4)
	Desom—Kodal.		
	Block No. X		
1	133/4 part	Garden	0.3200
2	132/2 part	Wet	0.6460
		Total	0.9660
	Block No. XI		
1	131/2 part	Wet	0.2800
2	131/4 part	Wet	0.0080
3	130 part	Wet	0.3100
		Total	0.5980
	Block No. XII		
1	126/1 part	Garden	0.1400
2	126/4 part	Garden	0.0400
3	126/6 part	Garden	0.0040
4	128/2 part	Wet	0.1600
5	128/3 part	Wet	0.0410
6	127 part	Wet	0.2040
		Total	0.5890
	Block No. XIII		
1	120 part	Wet	1.5200
2	118/5 part	Garden	0.1200
3	118/7 part	Garden	0.0200
4	118/6 part	Garden	0.0243
		Total	1.6843
	Block No. XIV		
1	119/2 part	Garden	0.2400
2	119/3 part	Garden	0.2060
3	119/4 part	Garden	0.0560
4	65/3 part	Garden	0.1680
5	65/4 part	Garden	0.0800
6	68/2 part	U.D.	0.0040
		Total	0.7540

(1)	(2)	(3)	(4)
		Block No. XV	
1	66/1 part	Garden	0.6480
2	78/1 part	Garden	0.2080
3	78/7 part	Garden	0.0210
4	78/8 part	O.D.	0.2000
		Total	1.0770
		Block No. XVI	
1	33/13 part	O.D.	0.1260
2	35/2 part	Garden	0.0060
3	33/12 part	O.D.	0.0860
4	33/8 part	Garden	0.1080
5	33/7 part	Garden	0.2420
6	33/6 part	Garden	0.1600
7	33/5 part	Garden	0.3200
8	33/1Gpart	Garden	0.0120
9	34/2 part	Garden	0.0800
10	32/6 part	O.D.	0.0860
11	33/1A part	Garden	0.0060
12	33/1B part	Garden	0.0200
13	32/3 part	Garden	0.1620
14	32/2 part	Garden	0.0080
		Total	1.4220
		Block No. XVII	
	20/1C3 part	Wet	0.7280
		Block No. XVIII	
1	27/3 part	Wet	0.0620
2	26/3C part	Wet	0.0200
3	27/1 part	Wet	0.0300
4	26/3A part	Wet	0.4800
5	26/2A part	Wet	0.0280
		Total	0.6200
		Block No. XIX	
1	25/3 part	Wet	0.0040
2	25/2 part	Wet	0.0400
3	25/1 part	Wet	0.3600
4	22/1 part	Wet	0.0480
5	23/1 part	Wet	0.6400
		Total	1.0920

(1)	(2)	(3)	(4)
	Desom—Kailamadam.		
	Block No. XX		
1	64/2A part	Wet	0.8600
2	64/2B part	Wet	0.1600
3	63/5 part	Garden	0.0160
		Total	1.0360
	Block No. XXI		
1	53/5 part	Wet	0.4080
2	53/3 part	Wet	0.0169
3	53/6A part	Wet	0.0800
4	53/2 part	Wet	0.3200
5	54/1 part	Wet	0.0240
		Total	0.8480
	Block No. XXII		
1	40/1 part	Wet	0.3300
2	40/2 part	Wet	0.1200
3	40/3 part	Wet	0.0810
		Total	0.5310
	Block No. XXIII		
1	36/1A part	Wet	0.0800
2	36/1B part	Wet	0.3200
3	36/4 part	Wet	0.0400
4	36/2 part	Wet	0.0060
		Total	0.4460
	Block No. XXIV		
1	32/8 part	Garden	0.0480
2	32/7 part	Garden	0.0320
3	32/6	Garden	0.0243
4	35/1A part	Garden	0.2000
		Total	0.3043
	Block No. XXV		
1	33/1 part	Wet	0.1280
2	33/2 part	Wet	0.4400
3	27/4 part	Garden	0.0200
4	27/5 part	Garden	0.0400
5	27/8 part	Garden	0.0240
		Total	0.6520

(1)	(2)	(3)	(4)
		Block No. XXVI	
1	26/1 part	Wet	0.1000
2	26/2 part	Wet	0.2320
3	26/3 part	Wet	0.4800
		Total	0.8120
		Block No. XXVII	
1	25 part	Wet	0.5600
2	19/1 part	Wet	0.4800
3	19/3 part	Wet	0.0720
4	15/5 part	Garden	0.0200
		Total	1.1320
		Block No. XXVIII	
1	18/1 part	Garden	0.2060
2	18/2 part	Garden	0.0960
3	20 part	Wet	0.2960
		Total	0.5980

Explanatory Note

(This is not part of the notification, but is intended to bring out the general purport).

President of India has in Notification No. 2/4/1963 Judl. II dated 31-5-1963 entrusted the Government of Kerala with their consent, the powers to acquire land for the use of the Central Government in the State and it appears to the State Government that the lands mentioned in the schedule above is needed for construction of Calicut Bye pass from 0/0 to 2/215 from Mampuzha to Arapuzha.

The Notification is intended for the above purpose.

എസ്. ആർ. ഒ. നമ്പർ 1692/83.—ഇന്ത്യൻ ഭരണഘടന 258-ാം അനുച്ഛേദം (1)-ാം ഖണ്ഡംമൂലം നൽകപ്പെട്ട അധികാരങ്ങൾ വിനിയോഗിച്ച് രാഷ്ട്രപതി 1963 മേയ് 31-ാം തീയതിയിലെ 2/4/63 ജുഡീഷ്യൽ II എന്ന നമ്പർ വിജ്ഞാപനംമൂലം കേരള സംസ്ഥാനത്ത് യൂണിയന്റെ ആവശ്യത്തിനായി ഭൂമി വിലയ്ക്കെടുക്കുന്നതു സംബന്ധിച്ച് 1961-ലെ കേരള സ്ഥലമെടുപ്പ് ആക്റ്റ് (1962-ലെ 21) പ്രകാരമുള്ള കേന്ദ്ര ഗവൺമെന്റിന്റെ ചുമതലകൾ കേരള സർക്കാരിനെ അവരുടെ സമ്മതത്തോടുകൂടി ഭരമേല്പിച്ചിരിക്കുന്നതിനാലും ;

താഴെ പട്ടികയിൽ പറഞ്ഞിട്ടുള്ള ഭൂമി ഒരു പൊതു ആവശ്യത്തിന് അതായത് എൻ. എച്ച്. 17-ന്റെ കീഴിൽ മാമ്പുഴ മുതൽ അറപ്പുഴ വരെ കോഴിക്കോട് ബൈപ്പാസ് നിർമ്മിക്കുന്നതിന് ആവശ്യമുണ്ടെന്നോ ആവശ്യമുണ്ടാവാൻ ഇടയുണ്ടെന്നോ കേരള സർക്കാരിന് തോന്നുന്നതിനാലും ;

ഇപ്പോഴം, അതിനാൽ, പ്രസ്തുത ആക്ട് 3-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പിലെ വ്യവസ്ഥകാം പ്രകാരമുള്ള നോട്ടീസ് ഇതുസംബന്ധിച്ച് എല്ലാ പേർക്കും ഇതിനാൽ നൽകിയിരിക്കുന്നു.

പ്രസ്തുത ആക്ററ് 19-ാം വകുപ്പ് (4)-ാം ഉപവകുപ്പു പ്രകാരം സംഗതിയുടെ അടിയന്തിരസ്വഭാവം പരിഗണിച്ച് പ്രസ്തുത ആക്ട് 5-ാം വകുപ്പിലെ വ്യവസ്ഥകാം താഴെ പറഞ്ഞിട്ടുള്ള സംഗതിക്ക് ബാധകമാകുന്നതല്ലെന്ന് കേരള സർക്കാർ നിർദ്ദേശിക്കുകയും ചെയ്യുന്നു.

പട്ടിക

ജില്ല—കോഴിക്കോട്. താലൂക്ക്—കോഴിക്കോട്.

വില്ലേജ്—ഒളവണ്ണ.

ക്രമ നമ്പർ	സർവ്വേ നമ്പർ	വിവരണം	വിസ്തീർണ്ണം ഹെക്ററിൽ
(1)	(2)	(3)	(4)
		ദേശം—കൊടൽ	
		ബ്ലോക്ക് നമ്പർ X	
1	133/4 ഭാഗം	തോട്ടം	0.3200
2	132/2 ,,	നിലം	0.6460
		ആകെ	0.9660
		ബ്ലോക്ക് നമ്പർ XI	
1	131/2 ഭാഗം	നിലം	0.2800
2	131/4 ,,	,,	0.0080
3	130 ,,	,,	0.3100
		ആകെ	0.5980
		ബ്ലോക്ക് നമ്പർ XII	
1	126/1 ഭാഗം	തോട്ടം	0.1400
2	126/4 ,,	,,	0.0400
3	126/6 ,,	,,	0.0040
4	128/2 ,,	നിലം	0.1600
5	128/3 ,,	,,	0.0410
6	127 ,,	,,	0.2040
		ആകെ	0.5890
		ബ്ലോക്ക് നമ്പർ XIII	
I	120 ഭാഗം	നിലം	1.5200
2	118/5 ,,	തോട്ടം	0.1200
3	118/7 ,,	,,	0.0200
4	118/6 ,,	,,	0.0243
		ആകെ	1.6843

(1)	(2)	(3)	(4)
	ബ്ലോക്ക് നമ്പർ XIV		
1	119/2 ഭാഗം	തോട്ടം	0.2400
2	119/3 ,,	,,	0.2060
3	119/4 ,,	,,	0.0560
4	65/3 ,,	,,	0.1680
5	65/4 ,,	,,	0.0800
6	68/2 ,,	യു. ഡി.	0.0040
		ആകെ	0.7540
	ബ്ലോക്ക് നമ്പർ XV		
1	66/1 ഭാഗം	തോട്ടം	0.6480
2	78/1 ,,	,,	0.2080
3	78/7 ,,	,,	0.0210
4	78/8 ,,	ഒ. ഡി.	0.2000
		ആകെ	1.0770
	ബ്ലോക്ക് നമ്പർ XVI		
1	33/13 ഭാഗം	ഒ. ഡി.	0.1260
2	35/2 ,,	തോട്ടം	0.0060
3	33/12 ,,	ഒ. ഡി.	0.0860
4	33/8 ,,	തോട്ടം	0.1080
5	33/7 ,,	,,	0.2420
6	33/6 ,,	,,	0.1600
7	33/5 ,,	,,	0.3200
8	33/1 സി ,,	,,	0.0120
9	34/2 ,,	,,	0.0800
10	32/6 ,,	ഒ. ഡി.	0.0860
11	33/1 എ ,,	തോട്ടം	0.0060
12	33/1ബി ,,	,,	0.0200
13	32/3 ,,	,,	0.1620
14	32/2 ,,	,,	0.0080
		ആകെ	1.4220
	ബ്ലോക്ക് നമ്പർ XVII		
1	20/1സി 3 ഭാഗം	നിലം	0.7280
	ബ്ലോക്ക് നമ്പർ XVIII		
1	27/3 ഭാഗം	നിലം	0.0620
2	26/3സി ,,	,,	0.0200
3	27/1 ,,	,,	0.0300
4	26/3 എ ,,	,,	0.4800
5	26/2 എ ,,	,,	0.0280
		ആകെ	0.6200

(1)	(2)		(3)	(4)
		ബ്ലോക്ക് നമ്പർ XIX		
1	25/3	ഭാഗം	നിലം	0.0040
2	25/2	,,	,,	0.0400
3	25/1	,,	,,	0.3600
4	22/1	,,	,,	0.0480
5	23/1	,,	,,	0.6400
			ആകെ	1.0920
		ദേശം—കൈലമഠം		
		ബ്ലോക്ക് നമ്പർ XX		
1	64/2 എ	ഭാഗം	നിലം	0.8600
2	64/2 ബി	,,	,,	0.1600
3	63/5	,,	തോട്ടം	0.0160
			ആകെ	1.0360
		ബ്ലോക്ക് നമ്പർ XXI		
1	53/5	ഭാഗം	നിലം	0.4080
2	53/3	,,	,,	0.0160
3	53/6 എ	,,	,,	0.0800
4	53/2	,,	,,	0.3200
5	54/1	,,	,,	0.0240
			ആകെ	0.8480
		ബ്ലോക്ക് നമ്പർ XXII		
1	40/1	ഭാഗം	നിലം	0.3300
2	40/2	,,	,,	0.1200
3	40/3	,,	,,	0.0810
			ആകെ	0.5310
		ബ്ലോക്ക് നമ്പർ XXIII		
1	36/1 എ	ഭാഗം	നിലം	0.0800
2	36/1 ബി	,,	,,	0.3200
3	36/4	,,	,,	0.0400
4	36/2	,,	,,	0.0060
			ആകെ	0.4460
		ബ്ലോക്ക് നമ്പർ XXIV		
1	32/8	ഭാഗം	തോട്ടം	0.0480
2	32/7	,,	,,	0.0320
3	32/6	,,	,,	0.0243
4	35/1 എ	,,	,,	0.2000
			ആകെ	0.3043

(1)	(2)		(3)	(4)
		ബ്ലോക്ക് നമ്പർ XXV		
1	33/1	ഭാഗം	നിലം	0.1280
2	33/2	,,	,,	0.4400
3	27/4	,,	തോട്ടം	0.0200
4	27/5	,,	,,	0.0400
5	27/8	,,	,,	0.0240
			ആകെ	0.6520
		ബ്ലോക്ക് നമ്പർ XXVI		
1	26/1	ഭാഗം	നിലം	0.1000
2	26/2	,,	,,	0.2320
3	26/3	,,	,,	0.4800
			ആകെ	0.8120
		ബ്ലോക്ക് നമ്പർ XXVII		
1	25	ഭാഗം	നിലം	0.5600
2	19/1	,,	,,	0.4800
3	19/3	,,	,,	0.0720
4	15/5	,,	തോട്ടം	0.0200
			ആകെ	1.1320
		ബ്ലോക്ക് നമ്പർ XXVIII		
1	18/1	ഭാഗം	തോട്ടം	0.2060
2	18/2	,,	,,	0.0960
3	20	,,	നിലം	0.2960
			ആകെ	0.5980

വിശദീകരണക്കുറിപ്പ്

(ഇത് പ്രഖ്യാപനത്തിന്റെ ഭാഗമല്ല. എന്നാൽ പൊതു ആശയം വെളിപ്പെടുത്തുന്നതിനുദ്ദേശിച്ചുകൊണ്ടുള്ളതാണ്).

ഇൻഡ്യൻ രാഷ്ട്രപതി 31-5-1963-ലെ 2/4/63/ജുഡീഷ്യൽ II എന്ന നമ്പർ വിജ്ഞാപനംമൂലം ഈ സംസ്ഥാനത്ത് കേന്ദ്ര സർക്കാരിന്റെ ഉപയോഗത്തിനായി ഭൂമി വിലയ്ക്കെടുക്കുന്നതിനുള്ള അധികാരം കേരള സർക്കാരിനെ അവരുടെ സമ്മതത്തോടുകൂടി ഭരമേല്പിച്ചിട്ടുള്ളതും, മുകളിൽ പട്ടികയിൽ പറഞ്ഞിട്ടുള്ള ഭൂമി മാമ്പുഴ മുതൽ അറപ്പുഴ വരെ 0/0 മുതൽ 2/215 വരെ കോഴിക്കോട് ബൈപാസ് നിർമ്മിക്കുന്നതിന്, ആവശ്യമുണ്ടെന്ന് സർക്കാരിന് ബോദ്ധ്യപ്പെട്ടിട്ടുള്ളതും ആകുന്നു.

മേൽപ്പറഞ്ഞ ആവശ്യത്തിനുദ്ദേശിച്ചുകൊണ്ടുള്ളതാണ് ഈ വിജ്ഞാപനം.

By order of the Governor,

K. RAGHAVA KURUP,

Joint Secretary to Government.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1983.

33/5153/L

Government of Kerala
1983

Reg. No. KL/TV(N)/1.



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EXTRAORDINARY

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GOVERNMENT OF KERALA

Labour (E) Department

NOTIFICATION

No. 14795/E2/81/LBR. *Dated, Trivandrum, 30th November,* 1983.

S. R. O. No. 1682/83.—In exercise of the powers conferred by sub section (1) of section 13 of the Kerala Headload Workers Act, 1978 (20 of 1980), the Government of Kerala, hereby publish the Kerala Headload Workers (Regulation of Employment and Welfare) Scheme, 1983 the same having been previously published under Notification No. 46424/E2/80/LBR dated the 5th May, 1981, in the Kerala Gazette Extraordinary No. 353 dated the 5th May 1981 as required by the proviso to the said sub-section under sub-section (1) of section 13 of the said Act.

By order of the Governor,

V. Krishnamurthy,
Secretary to Government.

33/5126/MC.

THE KERALA HEADLOAD WORKERS (REGULATION OF EMPLOYMENT AND WELFARE) SCHEME, 1983

CHAPTER I

1. This Scheme may be called the Kerala Headload Workers (Regulation of Employment and Welfare) Scheme, 1983.

2. All words used in this scheme shall have the meaning assigned to them in the Kerala Headload Workers Act, 1978 (20 of 1980) and the Rules made thereunder.

3. This scheme shall come into force in the area specified in the schedule attached to this scheme in respect of all establishment from such date as may be fixed by the Government by Notification in the Gazette.

4. The scheme shall be administered by the Committee and the Board shall be responsible to the Government for the administration of the Scheme.

5. The Board shall be responsible for the General Welfare of the headload workers, and for the said purpose, may incur expenditure on:

(a) housing for headload workers;
(b) education of children of headload workers; and
(c) such other items of welfare as may be formulated by the Board and approved by the Government.

CHAPTER II

Registration of Headload Workers and Employers

6. (1) No headload worker who is not a registered headload worker shall be allowed or required to work in any area to which this scheme applies after a period of three months from the date of commencement of this Scheme.

(2) Within fifteen days from this commencement of the Scheme every such headload worker shall submit his application for registration in Form No. A attached to this scheme with a registration fee of Rs. 2 enclosing a copy of his photograph in Passport size to the Registering Authority concerned, specifying the area and nature of the work.

(3) On receipt of such application, the Registering Authority shall after giving an opportunity to the applicant, of being heard and after such enquiry as he may deem fit register the name of the headload worker in the register of headload workers; on being satisfied that the headload worker is eligible for registration and communicate the decision to the applicant within two weeks of such registration.

7. Every employer in the area regularly requiring services of headload workers shall also register with the Committee after remitting a fee of Rs. 25 in cash. A register shall be kept by the Committee of all such persons registered.

CHAPTER III

Obligation of Headload Workers and Employers

8. Every registered headload worker to whom registration has been granted by the Committee shall work only in the area as per allotment made by the Committee.

9. Every headload worker shall handle every article with utmost care so that no damage is caused to the article.

10. Every headload worker shall be deemed to be employed by the Committee of that area and his work shall be supervised by the person for whom the workers have been allotted, as well as by any officer of the Committee.

11. After coming into force of this Scheme for an area, no headload worker shall be employed or paid wages except in accordance with the provisions in the scheme.

CHAPTER IV

Welfare of Headload Workers

12. Every year, the Committee shall arrange for the medical examination of each headload worker and arrange to meet the expenses for his medical care through Government Medical Officers and institutions.

CHAPTER V

Committee

13. The Scheme when brought into force shall be administered by the Committee constituted under section 18 of the Act.

14. The term of every member of the Committee shall be two years from the date of nomination:

Provided that the Committee may continue to function after the expiry of the term till a new Committee is constituted.

15. The Government may appoint an Officer of the Labour Department not below the rank of a District Labour Officer to be the Chairman of the Committee and another Officer of the Labour Department not below the rank of a Deputy Labour Officer to be the Convener of the Committee.

16. The Chairman shall preside over the meeting of the Committee and shall carry out the decisions of the Committee for—

(a) posting of the headload workers who are not employed regularly under any employer;

(b) in arranging and regulating employment to such headload workers and paying them wages;

(c) in taking disciplinary action against them wherever necessary;

(d) in doing such acts as are necessary for implementing the Scheme for the area.

17. The Chairman shall have the power to take decision in individual cases within the frame work of the policy decided by the Committee from time to time.

18. The Convener shall assist the Chairman in the discharge of his functions and convene meetings of the Committee from time to time.

Chapter VI

Regulation of Employment of Registered Headload Workers

19. The Committee shall determine the number of headload workers needed for their area and for this purpose increase or decrease the number in their register.

20. The Chairman shall make necessary arrangements to pool the registered workers into as many groups as are needed and locate these groups at locations decided by him.

21. An employer requiring the services of headload workers shall from time to time intimate the Convener the number of workers needed by him and the Convener shall allot such number of registered workers for work for that employer.

22. As soon as the work for the day is over, the employer shall send to the Convener through the worker a statement of work done with other details in Form No. B appended to this scheme. Such forms will be made out in triplicate, and two copies will be sent to the Convener and the Convener shall return one copy thereof duly attested to the worker for his custody.

23. On receipt of the details of work done the Convener shall arrange to enter the wages and other details thereof in a Register maintained for the purpose.

24. All payments to registered workers such as wages and other benefits shall be arranged to be made by the Convener within seven days after the expiry of every month.

CHAPTER VII

Conditions of Services of Registered Headload Workers

25. It shall be the obligation of the Committee to provide all the benefits to registered headload workers arising out of statutory enactments.

26. The Committee may, taking into consideration the finances of the Committee and other relevant matters, decide on extension of non-statutory benefits to the registered headload workmen in that area, subject to the condition that all such decisions shall have the concurrence of the Board and the Government.

CHAPTER VIII

Finances of the Committee

27. Every registered employer, on registration, shall deposit with the Committee amounts approximately equivalent to the wages payable by him to the headload workers for a week. The Committee shall on receipt of the amount, credit the amount to the employer's account.

28. The Committee shall arrange to assess the amount of wages to be recovered from the employers every week and make arrangements to collect the same.

29. The Committee shall collect a levy from the employers for the administration of the Scheme and matters related thereto at the rate of 30% of the wage actually payable by the employer to the registered headload workers.

30. The Committee may revise the quantum of levy every year taking into consideration its finances, its obligations and other relevant matters and such decision shall have the concurrence of the Board and the Government.

31. Each Committee constituted under section 18 of the Act shall arrange to contribute every month to the Headload Workers Welfare Fund a sum calculated at Re. 1 per worker per month in respect of all registered workers on its rolls. In addition each Committee shall pay to the Board 2% of the total wages paid by them during the financial year. Payment to the Board in this regard shall be made before 30th of June every year in respect of annual payment, and before 15th of every succeeding month in the case of monthly payment.

32. The Committee shall keep individual accounts in respect of each worker and credit into his account a sum equivalent to 10% of his total wages at the close of each financial year for payment towards his terminal benefit on retirement superannuation, death, disability etc.

CHAPTER IX

General

33. All matters of indiscipline among the part of workers or employers shall be investigated by an officer authorised by the Chairman.

34. The Investigating Officer shall conduct a summary enquiry into any complaint of misconduct or indiscipline on the part of a headload worker and shall conclude such enquiry and submit a report to the Chairman within 15 days from the date of receipt of the complaint. During the enquiry he shall afford an opportunity to the accused worker to present his case.

35. Immediately on receipt of the report the Chairman shall consider it and exonerate the worker if he is of opinion that no offence has been made out as alleged in the complaint. If he comes to the conclusion that the alleged act of misconduct or indiscipline has been established, he shall, having due regard to the circumstances of the case, award any of the following punishments to the accused worker.

(a) Warning in writing;

(b) Suspension from work for a period of not less than 7 days but not more than 30 days:

Provided that in the case of repeated offences such suspension may for reasons to be recorded in writing, extend upto a period of 60 days;

(c) Cancellation of registration as headload worker if there are sufficient grounds for doing so.

36. Any worker, on cancellation of his registration by the Chairman may within 15 days from the receipt of the order of the Chairman prefer an appeal in writing to the Committee. The Committee shall call for the records of the case and after hearing the appeal petitioner, pass orders on such appeal within a period of 30 days of its receipt. The order in appeal passed by the Committee shall be final.

37. Any order of the Committee shall be authenticated for and on behalf of the Committee by its Chairman.

Schedule

Ward Nos. 38 and 39 in Trivandrum Corporation

FORM No. A

[*See* para 6 (2) of the Scheme]

1. Name of the worker
2. Address of the worker
3. Area of locality where he usually works
4. The number allotted to him by the registering authority
5. Age of the worker (Enclose document to prove age)

Place:

Date:

Signature of applicant

FORM B

Information to be supplied by the Employer regarding work done and wages payable (to be prepared in Triplicate)

(*See* para 22 of the Scheme)

Name of Employer Register No. Date

Sl. No.	*Name of workers employed*	*Reg. No.*	*Wages*	*Remarks*
(1)	(2)	(3)	(4)	(5)

Signature of Employer

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